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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

34° & 35° VICTORIÆ, 1871.

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TO

THE NINETEENTH DAY OF JULY 1871.

Fourth Volume of the Session.

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—

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Lunacy Regulation Amendment Bill (No. 171)—

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After short debate, Motion *agreed to*:—Bill read 3^d accordingly, and *passed*, and sent to the Commons.

Landlord and Tenant (Ireland) Act, 1870, Amendment Bill (Nos. 185, 193)

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Moved, That there be laid before this House, Copy of the List of Endowed Schools which it is proposed to include in the Scheme of the Endowed School Commissioners to be submitted during the present year.—(*The Lord Buckhurst*) 1

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To leave out from the word "That" to the end of the Question, in order to add the words "it is not expedient that the Clerks of the General Meetings, or of the Lieutenantcy of any county, riding, or place in the United Kingdom, should be deprived of their emoluments without compensation,"—(*Lord George Hamilton*),—instead thereof 1

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES—*considered* in Committee 1
(In the Committee.)

(1.) £1,148,387, Post Office Packet Service; no part of which sum is to be applicable or applied in or towards making any payment in respect of any period subsequent to the 20th day of June, 1863, to Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract bearing date the 28th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June, 1863.

(2.) £350,000, to complete the sum for the Post Office Telegraph Service.

(3.) £979,888, Revenue Departments (Customs).

(4.) £1,625,625, Inland Revenue Department.—After short debate, Vote *agreed to* 1

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- (5.) £2,470,355, Post Office.—After short debate, *Vote agreed to* ...
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- (7.) £48,777, to complete the sum for the London Court of Bankruptcy.
- (8.) £315,706, to complete the sum for the County Courts.
- (9.) £69,477, to complete the sum for the Courts of Probate and Divorce and Matrimonial Causes in England.
- (10.) £10,160, to complete the sum for the High Court of Admiralty.
- (11.) £3,960, to complete the sum for the office of Land Registry.—After short debate, *Vote agreed to* ...
- (12.) £15,226, to complete the sum for the Police Courts, London and Sheerness.
- (13.) £154,470, to complete the sum for the Metropolitan Police.—After short debate, *Vote agreed to* ...
- (14.) £295,500, to complete the sum for Police Counties and Boroughs (England and Wales), and in Scotland.
- (15.) Motion made, and Question proposed, "That a sum, not exceeding £361,332, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, of the Superintendence of Convict Establishments, and for the Maintenance of Convicts in England and the Colonies" ...
- Motion made, and Question proposed, "That a sum, not exceeding £346,332, &c.,"—*(Mr. Hermon.)*—After debate, Question put, and *agreed to*.
- (16.) £251,980, to complete the sum for the maintenance of Prisoners, Juvenile Offenders, and Criminal Lunatics.
- (17.) £25,410, to complete the sum for Broadmoor Criminal Lunatic Asylum.—After short debate, *Vote agreed to* ...
- (18.) £15,750, to complete the sum for Miscellaneous Legal Charges in England.—After short debate, *Vote agreed to* ...
- (19.) £55,675, to complete the sum for Criminal Proceedings in Scotland.
- (20.) £42,767, to complete the sum for Courts of Law and Justice in Scotland.—After short debate, *Vote agreed to* ...
- (21.) £22,740, to complete the sum for General Register House, Edinburgh.—After short debate, *Vote agreed to* ...
- (22.) £18,987, to complete the sum for Prisons in Scotland, &c.
- (23.) £59,403, to complete the sum for Criminal Prosecutions, &c., Ireland.
- (24.) £33,903, to complete the sum for the Court of Chancery, Ireland.
- (25.) £22,377, to complete the sum for the Superior Courts of Common Law in Ireland.
- (26.) £6,470, to complete the sum for the Court of Bankruptcy and Insolvency in Ireland.
- (27.) £9,721, to complete the sum for the Landed Estates Court, Ireland.
- (28.) £8,526, to complete the sum for the Court of Probate in Ireland.
- (29.) £1,540, to complete the sum for the Admiralty Court Registry, Ireland.
- (30.) £11,508, to complete the sum for the Office for Registration of Deeds in Ireland.
- (31.) £2,316, to complete the sum for the Office for Registration of Judgments in Ireland.
- (32.) £73,673, to complete the sum for the Dublin Metropolitan Police.
- (33.) Motion made, and Question proposed, "That a sum, not exceeding £693,260, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Constabulary Force in Ireland" ...
- Motion made, and Question proposed, "That a sum, not exceeding £682,818, &c.,"—*(Mr. Joshua Fielden :)*—After short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- (34.) £35,400, to complete the sum for Government Prisons, &c., Ireland.
- (35.) Motion made, and Question proposed, "That a sum, not exceeding £39,323, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1873, for the Maintenance of Prisoners in County and Borough Gaols, and for the Expenses of Reformatories and Industrial Schools in Ireland" ...
- Motion made, and Question proposed, "That a sum, not exceeding £29,323, &c.,"—*(Mr. Vance :)*—After short debate, Question put, and *negatived*.
Original Question put, and *agreed to*.
- (36.) £4,200, to complete the sum for Dundrum Criminal Lunatic Asylum, Ireland.
- (37.) £1,880, to complete the sum for the Four Courts Marshalsea, Dublin.
- (38.) £6,670, to complete the sum for Miscellaneous Legal Expenses, Ireland.

Resolutions to be reported *To-morrow*; Committee to sit again *To-morrow*.
And at Seven of the clock the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

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[June 20.]

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NEW FOREST—RESOLUTION—

Moved, "That, in the opinion of this House, pending legislation on the New Forest, no felling of ornamental timber and no fresh inclosures should be permitted in the New Forest; and that no timber whatever should be cut, except for the purposes of thinning the young plantations, executing necessary repairs in the Forest, and satisfying the fuel rights of the Commoners,"—(*Mr. Fawcett*) ... 32

Amendment proposed,

At the end of the Question, to add the words "also that Denny Wood should be restored to its former condition as open forest land,"—(*Sir Charles Dilke*.)

Question proposed, "That those words be there added:"—After debate, Amendment, by leave, *withdrawn* :—Main Question put, and *agreed to*.

ARMY SERVICE ABROAD—LIMITATION OF AGE—MOTION FOR AN ADDRESS—

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that measures be taken to prevent as far as practicable Soldiers enlisted in any Regiment of Cavalry or Infantry of the Line, being called upon to serve Her Majesty out of the United Kingdom, who shall not have attained the age of twenty years,"—(*Mr. W. M. Torrens*) ... 34

Motion *agreed to*.

Charities, &c. Exemption Bill [Bill 23]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [10th May], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Hardcastle* :)—Question again proposed, "That the word 'now' stand part of the Question :"—Debate *resumed* ... 34

After short debate, Question put :—The House *divided*; Ayes 68, Noes 116; Majority 48 :—Words *added* :—Main Question, as amended, put, and *agreed to* :—Second Reading *put off* for six months.

HARROW SCHOOL—MOTION FOR AN ADDRESS—

Order read, for resuming Adjourned Debate on Question proposed [18th June],

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to disallow the Statute now lying upon the Table of the House, by which membership of the Church of England is, for the first time, imposed as a qualification for appointment to the governing body of Harrow School,"—(*Mr. Trevelyan*.)

Question again proposed :—Debate *resumed* ... 3

After further debate, Question put :—The House *divided*; Ayes 99, Noes 71; Majority 28.

Municipal Corporations Acts (Ireland) Amendment Bill—Ordered (*Mr. Serjeant Sherlock, Mr. Bryan*) ... 3

Public Libraries (Scotland) Act (1867) Amendment Bill—Ordered (*Mr. Armitstead, Sir John Ogilvy, Mr. Kinnaid*); *presented*, and read the first time [Bill 209] ... 3

COMMONS, WEDNESDAY, JUNE 21.

Sale of Liquor on Sunday Bill [Bill 48]—

Moved, "That the Bill be now read a second time,"—(*Mr. Rylands*) ... 3

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Joshua Fielden*.)

After debate, Question put, "That the word 'now' stand part of the Question :"—The House *divided*; Ayes 147, Noes 119; Majority 28 :—Main Question put, and *agreed to* :—Bill read a second time, and committed for *To-morrow*.

SUPPLY—REPORT—Resolutions [June 20] *reported* ... 3

After short debate, Resolutions *agreed to*.

DEAN FOREST AND HUNDRED OF ST. BRIAVELS BILL—

Select Committee *nominated* :—List of the Committee ... 3

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<i>Moved</i> , "That the said Order be discharged,"—(<i>The Earl of Shaftesbury</i> :)		
—After debate, Motion <i>agreed to</i> ; Order <i>discharged</i> accordingly; and		
Bill (by leave of the House) <i>withdrawn</i> .		
Ecclesiastical Procedure and Registry Bill (No. 85)—		
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<i>charged</i> , and Bill (by leave of the House) <i>withdrawn</i> .		
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Order for Committee read ..	401	
<i>Moved</i> , "That it be an Instruction to the Committee, that they have power to provide		
for the redistribution of the seats now vacant through the disfranchisement of the Bo-		
roughs of Beverley, Bridgwater, Cashel, and Sligo,"—(<i>Mr. James Lowther</i> .)		
After short debate, Question put:—The House <i>divided</i> ; Ayes 145, Noes		
254; Majority 109.		
<i>Moved</i> , "That Mr. Speaker do now leave the Chair:"—		
Amendment proposed, to leave out from the word "That" to the end of		
the Question, in order to add the words "this House will, upon this		
day three months, resolve itself into the said Committee,"—(<i>Mr. Cross</i>),		
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Question proposed, "That the words proposed to be left out stand part		
of the Question:"—After further long debate, Debate <i>adjourned</i> till		
<i>Monday</i> next.		
LORDS, FRIDAY, JUNE 23.		
Landlord and Tenant (Ireland) Act, 1870, Amendment		
Bill (Nos. 185, 193)—		
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the Third Reading, read:—Debate <i>resumed</i> accordingly ..	490	
After short debate, on Question? "That the Bill be read 3 ^d ;" <i>Resolved</i> in		
the <i>Affirmative</i> ; Bill read 3 ^d accordingly.		
Proviso <i>moved</i> —		
"Nothing in this Act contained shall be deemed to affect the rights of tenants on		
estates conveyed prior to the passing of the Landlord and Tenant (Ireland) Act, 1870,		
under the provisions of the Acts twelfth and thirteenth Victoria, chapter seventy-seven,		
and twenty-first and twenty-second Victoria, chapter seventy-two,"—(<i>Lord Greville</i> .)		
After short debate, Amendment <i>withdrawn</i> :—Bill <i>passed</i> , and sent to the		
Commons.		

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THE ENDOWED SCHOOLS COMMISSION—DR. MORGAN'S CHARITY, BRIDGE-
WATER—Petition *presented* (*The Earl of Carnarvon*)
After debate, Petition *ordered* to lie on the Table.

Prevention of Crime Bill [H.L.]—*Presented* (*The Lord Chancellor*); read 1^a (No. 207)

COMMONS, FRIDAY, JUNE 23.

SUNDAY OBSERVANCE ACT—Question, Mr. Mitchell Henry; Answer, Mr. Bruce

THE QUEEN AND THE POPE—Questions, Mr. Whalley, Mr. Newdegate;
Answers, Mr. Gladstone

SUPPLY—Order for Committee read; Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair:"—

LORDS' DAY OBSERVANCE—Observations, Mr. Brady, Mr. Speaker ..

METROPOLIS—THE HOUSES OF PARLIAMENT—CONSTITUTION HILL—MOTION
FOR AN ADDRESS—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the
words "an humble Address be presented to Her Majesty, praying that She will be
graciously pleased to direct that carriage traffic may have free access to the Houses of
Parliament by way of Constitution Hill,"—(*Mr. Haviland-Burke*),—instead thereof

After short debate, Question put, "That the words proposed to be left
out stand part of the Question:"—The House *divided*; Ayes 89,
Noes 61; Majority 28.

Main Question, "That Mr. Speaker do now leave the Chair," put, and
agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES—*considered* in Committee—
(In the Committee.)

(1.) Motion made, and Question proposed, "That a sum, not exceeding £30,072, be
granted to Her Majesty, to complete the sum necessary to defray the Charge which
will come in course of payment during the year ending on the 31st day of March
1872, for the Maintenance and Repair of the Royal Palaces"

Motion made, and Question proposed, "That the Item of £550, for Contributions in lieu
of Rates, be omitted from the proposed Vote,"—(*Mr. Candlish*).—After short debate,
Motion, by leave, *withdrawn*.

Original Question again proposed:—Motion made, and Question proposed, "That the Item
of £728, for Hampton Court Stud House and Paddocks, be omitted from the proposed
Vote,"—(*Mr. Aytoun*).—After further short debate, Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) £76,124, to complete the sum for Royal Parks
After debate, *Moved*, "That the Vote be reduced by the sum of £448,"—(*Mr. Ellice*),
Motion *withdrawn*.

After further debate, Vote *agreed to*.

(3.) Motion made, and Question proposed, "That a sum, not exceeding £99,017, be granted
to Her Majesty, to complete the sum necessary to defray the Charge which will come
in course of payment during the year ending on the 31st day of March 1872, for the
Maintenance and Repair of Public Buildings and Monuments; for providing the neces-
sary supply of Water; for Rents of Houses hired for the temporary accommodation of
Public Departments, and Charges attendant thereon"

Motion made, and Question proposed, "That a sum, not exceeding £97,017, &c.,"—(*Mr
Hermon*).—After short debate, Amendment *negatived*.

On the original proposition being put:—After further short debate, Question put, and
negatived.

Original Question put, and *agreed to*.

(4.) £10,500, to complete the sum for Furniture in Public Departments.

Resolutions to be reported.

(5.) £60,650, to complete the sum for Acquisition of Lands (New Palace at West
minster).

Motion made, and Question proposed, "That a sum, not exceeding £23,078, be
granted to Her Majesty, to complete the sum necessary to defray the Charge which
will come in course of payment during the year ending on the 31st day of March
1872, for the Buildings of the Houses of Parliament"

After short debate, Resolutions to be reported upon *Monday* next; Com-
mittee also report Progress; to sit again *this day*.

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[June 23.]

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair:”—

EUPHRATES VALLEY RAILWAY—MOTION FOR A SELECT COMMITTEE—

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words
“a Select Committee be appointed to examine and report upon the whole subject
of Railway communication between the Mediterranean and the Persian Gulf,”—(*Sir
George Jenkinson*.)—instead thereof

After short debate, Question, “That the words proposed to be left out
stand part of the Question,” put, and *negatived*.

Question proposed,

“That the words ‘a Select Committee be appointed to examine and report upon the
whole subject of Railway communication between the Mediterranean and the Persian
Gulf’ be added, instead thereof.”

Amendment proposed to the said proposed Amendment, by inserting,
after the word “Mediterranean,” the words “the Black Sea,”—(*Mr.
Grant Duff*.)

After further debate, Question, “That those words be there inserted,”
put, and *agreed to*.

Question put,

“That the words ‘a Select Committee be appointed to examine and report upon the
whole subject of Railway communication between the Mediterranean, the Black Sea,
and the Persian Gulf,’ be added to the word ‘That’ in the Original Question.”

The House *divided*; Ayes 86, Noes 10; Majority 76.

Main Question, as amended, put, and *agreed to*.

Select Committee *appointed*, “to examine and report upon the whole subject of Railway
communication between the Mediterranean, the Black Sea, and the Persian Gulf,”
—(*Sir George Jenkinson*.)

And, on July 4, Committee *nominated*:—List of the Committee ..

SUPPLY—*Resolved*, That this House will immediately resolve itself into the
Committee of Supply.

Motion made, and Question proposed, “That Mr. Speaker do now leave
the Chair:”—

ARMY—**ROYAL ARTILLERY**—RESOLUTION—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words
“in the opinion of this House, it is expedient that a complete and searching inquiry be
at once instituted into the state of the Regular Artillery Forces of Her Majesty’s
Army, both as regards organization and efficiency, by means of a Royal Commission or
such other court of inquiry as Her Majesty’s Government may see fit to appoint,”—
(*Major Arbuthnot*.)—instead thereof

Question proposed, “That the words proposed to be left out stand part
of the Question:”—After short debate, Amendment, by leave, *with-
drawn*.

Question again proposed, “That Mr. Speaker do now leave the Chair:”—

THE POPE’S JUBILEE—Observations, Mr. Whalley ..
[House counted out.]

LORDS, MONDAY, JUNE 26.

Earl de Grey and Earl of Ripon, K.G., having been created Marquess
of Ripon was (in the usual manner) introduced.

Owens College Bill [H.L.]—*Presented* (*The Lord President*); read 1^a (No. 211) ...

Judicial Committee of Privy Council Bill [H.L.]—*Presented* (*The Lord Chancellor*);
read 1^a (No. 212)

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Mr. W. E. Forster	558
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ARMY—MILITIA OFFICERS—Question, Mr. J. S. Henry; Answer, Mr.		
Cardwell	560
Elections (Parliamentary and Municipal) (re-committed) Bill		
[Bill 103]—		
Order read, for resuming Adjourned Debate on Amendment proposed		
to Question [22nd June], "That Mr. Speaker do now leave the		
Chair;" and which Amendment was, to leave out from the word		
"That" to the end of the Question, in order to add the words		
"this House will, upon this day three months, resolve itself into the		
said Committee,"—(<i>Mr. Cross</i>),—instead thereof ..		
.. 560		
After long debate, Debate further adjourned till Thursday next.		
Promissory Oaths Bill (Lords) [Bill 169]—		
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the		
Chair" ..		
.. 637		
Amendment proposed, to leave out from the word "That" to the end of		
the Question, in order to add the words "the Bill be committed to a		
Select Committee,"—(<i>Mr. Newdegate</i>),—instead thereof.		
Question proposed, "That the words proposed to be left out stand part		
of the Question:"—After short debate, Amendment, by leave, <i>with-</i>		
<i>drawn</i> .		
Main Question, "That Mr. Speaker do now leave the Chair," put, and		
<i>agreed to</i> :—Bill considered in Committee, and reported, without Amend-		
ment; to be read the third time upon Thursday.		
Tramways Provisional Orders Confirmation (re-committed)		
Bill [Bill 197]—		
Bill considered in Committee ..		
.. 639		
After short time spent therein, Committee report Progress; to sit again		
upon Thursday.		
Sale of Liquor on Sunday Bill [Bill 48]—		
Order for Committee read:— <i>Moved</i> , "That Mr. Speaker do now leave the		
Chair" ..		
.. 641		
Amendment proposed, to leave out from the word "That" to the end		
of the Question, in order to add the words "this House will, upon		
this day three months, resolve itself into the said Committee,"—(<i>Sir</i>		
<i>Henry Selwin-Ibbetson</i>),—instead thereof.		
Question proposed, "That the words proposed to be left out stand part		
of the Question:"— <i>Moved</i> , "That the Debate be now adjourned,"—		
(<i>Mr. Monk</i>):—Motion, by leave, <i>withdrawn</i> .		
Question again proposed, "That the words proposed to be left out stand		
part of the Question":—Question put:—The House divided; Ayes 51,		
Noes 69; Majority 18:—Words added:—Main Question, as amended,		
put, and agreed to:—Bill put off for three months.		
Sea Coast Fisheries (Ireland) Bill—Ordered (Mr. Downing, The Marquess of Hamilton,		
<i>Viscount St. Lawrence, Colonel Vandeleur</i>); presented, and read the first time [Bill 216] 641		

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- INDIA—PRESIDENCY OF FORT WILLIAM—Petition presented ..
Moved, "That the said Petition be printed,"—(*The Lord Lyveden* :)—
 After debate, Motion (by Leave of the House) *withdrawn*.
 ARMY REGULATION BILL—Question, The Duke of Richmond; Answer, Earl
 Granville

COMMONS, TUESDAY, JUNE 27.

- METROPOLIS—DRINKING TROUGH IN PICCADILLY—Question, Captain Archdall;
 Answer, Mr. Bruce

SUPPLY—CIVIL SERVICE ESTIMATES—*considered* in Committee.

(In the Committee.)

- (1.) Question again proposed, "That a sum, not exceeding £23,078, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Buildings of the Houses of Parliament."—After long debate, Question put, and *agreed to* ...
- (2.) £60,500, to complete the sum for the New Offices in Downing Street. ...
- (3.) £1,150, to complete the sum for the Chapter House, Westminster. ...
- (4.) £11,083, to complete the sum for Sheriff Court Houses, Scotland.—After short debate, Vote *agreed to* ...
- (5.) £20,500, to complete the sum for the National Gallery Enlargement.—After short debate, Vote *agreed to* ...
- (6.) £15,500, to complete the sum for Glasgow University Buildings. ...
- (7.) £9,000, to complete the sum for the Industrial Museum, Edinburgh. ...
- (8.) £30,500, to complete the sum for Burlington House. ...
- (9.) £123,995, to complete the sum for the Post Office and Inland Revenue Buildings. ...
- (10.) £23,970, to complete the sum for the British Museum Buildings. ...
- (11.) £36,460, to complete the sum for County Courts, Buildings. ...
- (12.) £42,547, to complete the sum for the Science and Art Department Buildings.—After short debate, Vote *agreed to* ...
- (13.) £97,200, to complete the sum for Surveys of the United Kingdom, &c. ...
- (14.) Motion made, and Question proposed, "That a sum, not exceeding £52,476, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for constructing certain Harbours, &c. under the Board of Trade" ...
- Motion made, and Question proposed, "That the Item of £21,483, for Alderney Harbour, be omitted from the proposed Vote,"—(*Mr. Bentinck* :)—After short debate, Question put, and *agreed to*. ...
- Original Question, as amended, proposed, "That a sum, not exceeding £30,993, &c." ...
- Motion made, and Question proposed, "That the Item of £1,815, for the Works Department, be omitted from the proposed Vote,"—(*Mr. Hermon* :)—After short debate, Motion, by leave, *withdrawn* :—Original Question, as amended, put, and *agreed to*. ...
- (15.) £450, to complete the sum for Portland Harbour. ...
- (16.) £7,500, to complete the sum for the Fire Brigade (Metropolis). ...
- (17.) £27,223, to complete the sum for Rates on Government Property.—After short debate, Vote *agreed to* ...
- (18.) £122,465, to complete the sum for Public Buildings (Ireland). ...
- (19.) £3,976, to complete the sum for the Ulster Canal. ...
- (20.) £13,810, to complete the sum for Lighthouses Abroad. ...
- (21.) £800, to complete the sum for the Embassy Houses, Paris and Madrid.—After short debate, Vote *agreed to* ...
- (22.) £36,215, to complete the sum for British Consulate and Embassy Houses, Constantinople, China, Japan, and Tehran.—After short debate, Vote *agreed to* ...
- Motion made, and Question proposed, "That a sum, not exceeding £257,972, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for Superannuation and Retired Allowances to Persons formerly employed in the Public Service."—Motion, by leave, *withdrawn*. ...
- (23.) £34,910, to complete the sum for the Merchant Seamen's Fund. ...
- (24.) £27,200, to complete the sum for Relief of Distressed Seamen Abroad. ...
- (25.) £14,633, to complete the sum for Hospitals in Ireland. ...
- (26.) £4,863, to complete the sum for Miscellaneous Charitable Allowances (Great Britain). ...
- (27.) £4,735, to complete the sum for Miscellaneous Charitable Allowances (Ireland). ...

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- (28.) £10,942, to complete the sum for Temporary Commissions.
- (29.) £85,147, to complete the sum for Payments under Treaties of Reciprocity.
- (30.) £850, to complete the sum for Flax Cultivation in Ireland.
- (31.) £3,245, to complete the sum for certain Miscellaneous Expenses.

Resolutions to be reported *To-morrow*; Committee to sit again *To-morrow*.

It being now Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

PRIVATE BILL LEGISLATION—MOTION FOR A SELECT COMMITTEE—

Moved, "That a Select Committee be appointed to inquire into the operation of the present system of legislation as regards Local and Personal Bills, and to consider whether means may not be devised for the improvement of such legislation,"—(*Mr. Pim*) ... 686

After short debate, [House counted out.]

LORDS, WEDNESDAY, JUNE 28.

Their Lordships met;—and having gone through the Business on the Paper, without debate— [House adjourned.]

COMMONS, WEDNESDAY, JUNE 28.

Registration of Deeds, Wills, &c. (Middlesex) Bill [Bill 36]—

Order for Committee read .. 696

Moved, "That the Order for going into Committee on this Bill be discharged,"—(*Mr. G. B. Gregory*.)

After short debate, Motion *agreed to*:—Order *discharged*:—Bill *withdrawn*.

Railway Companies Bill [Bill 5]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [15th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Leoman*):—Question again proposed, "That the word 'now' stand part of the Question:"—Debate *resumed* .. 698

After short debate, Amendment and Motion, by leave, *withdrawn*:—Bill *withdrawn*.

Parish Churches Bill [Bill 53]—

Moved, "That the Bill be now read a second time,"—(*Mr. West*) .. 700

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Cawley*):—Question proposed, "That the word 'now' stand part of the Question."

After short debate, Amendment and Motion, by leave, *withdrawn*:—Bill *withdrawn*.

Burials Bill [Bill 7]—

Bill *considered* in Committee [*Progress 7th June*] .. 717

After short time spent therein, Committee report Progress; to sit again *To-morrow*.

Royal Parks Bill—Ordered (*Mr. Ayrton*, *Mr. Baxter*); *presented*, and read the first time [Bill 217] ... 723

LORDS, THURSDAY, JUNE 29.

Judicial Committee of Privy Council Bill (No. 212)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Chancellor*) .. 724

After short debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

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UNITED STATES—TREATY OF WASHINGTON—MOTION FOR AN ADDRESS—

Moved, "That an humble Address be presented to Her Majesty conveying the deep regret felt by this House at Her Majesty's having been advised to sign a Treaty with the United States which is unbecoming the honour and dignity of this country,"—(*The Lord Cranmore and Browne*) ... 729
After short debate, on Question? *Resolved in the Negative.*

Union of Benefices Acts Amendment Bill [H.L.]—*Presented* (*The Lord Bishop of Winchester*); read 1^a (No. 219) ... 741

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ARMY—CADETS AT SANDHURST—Question, Colonel North; Answer, Mr.
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IRELAND—MASTER FITZGIBBON—Question, Mr. W. H. Gregory; Answer,
Dr. Ball .. 743
ARMY—COLONEL PROBYN—Question, Sir John Pakington; Answer, Mr.
Cardwell .. 744
ARMY—HOUSEHOLD REGIMENTS—Question, Lord Garlies; Answer, Mr.
Cardwell .. 745
UNITED STATES—TREATY OF WASHINGTON—Questions, Mr. Anderson;
Answers, Viscount Enfield, Mr. Gladstone .. 745

Elections (Parliamentary and Municipal) (*re-committed*) Bill [Bill 103]—

Order read, for resuming Adjourned Debate on Amendment proposed to
Question [22nd June], "That Mr. Speaker do now leave the Chair;"
and which Amendment was, to leave out from the word "That" to
the end of the Question, in order to add the words "this House
will, upon this day three months, resolve itself into the said Com-
mittee,"—(*Mr. Cross*),—instead thereof.
Question again proposed, "That the words proposed to be left out stand
part of the Question:"—*Debate resumed* .. 746
After long debate, *Moved*, "That this House do now adjourn,"—(*Mr.*
Fielden):—Question put:—The House *divided*; Ayes 218, Noes 340;
Majority 122.
Question again proposed, "That the words proposed to be left out stand
part of the Question:"—*Moved*, "That the Debate be now adjourned,"
—(*Mr. Knight*):—Question put, and *negatived*.
Question put, "That the words proposed to be left out stand part of
the Question:"—The House *divided*; Ayes 324, Noes 231; Major-
ity 93.
Division List, Ayes and Noes .. 858
Main Question, "That Mr. Speaker do now leave the Chair," put, and
agreed to:—Bill *considered* in Committee.
Committee report Progress; to sit again upon *Tuesday* next, at Two of
the clock.

LORDS, FRIDAY, JUNE 30.

EMANUEL HOSPITAL—PETITION PRESENTED—MOTION FOR AN ADDRESS—

A Petition of the Lord Mayor and Aldermen of the City of London
against the proposed scheme of the Endowed Schools Commissioners,
presented by *the Duke of Richmond*, read, and ordered to lie on the
Table.

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EMANUEL HOSPITAL—PETITION PRESENTED—MOTION FOR AN ADDRESS—continued.

<i>Moved</i> , that an humble Address be presented to Her Majesty, representing that the proposed scheme of the Endowed Schools Commissioners for the management of Emanuel Hospital in the parish of Saint Margaret in the city of Westminster will have the effect of diverting a large portion of the endowments of the said hospital from the education of the poor to which they were assigned in the charter of foundation, and of withdrawing the government thereof from the Lord Mayor and Aldermen of the city of London against whose management no charge has been established; and praying that Her Majesty will withhold Her assent from the said scheme,—(<i>The Marquess of Salisbury</i>)	862
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Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.	

SAINT MARGARET'S HOSPITAL AND THE GREY COAT HOSPITAL—

<i>Moved</i> that an humble Address be presented to Her Majesty, praying that Her Majesty will withhold Her assent from the schemes of the Endowed Schools Commissioners relating to Saint Margaret's Hospital and the Grey Coat Hospital,—(<i>The Marquess of Salisbury</i>)	892
After short debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>The Lord Cairns</i>):—After short interruption, Motion <i>withdrawn</i> .	
After further short debate, on Question, Whether to agree to the said Address? <i>Resolved</i> in the <i>Affirmative</i> .	
<i>Ordered</i> , That the said Address be presented to Her Majesty by the Lords with White Staves.	

COMMONS, FRIDAY, JUNE 30.

POST OFFICE—TELEGRAPH DEPARTMENT—PAY OF POSTMASTERS, &c.—	
Question, Lord George Hamilton; Answer, Mr. Monsell	902
ARMY—ROYAL ARTILLERY—GOOD CONDUCT MEDALS—Question, Mr. P. A. Taylor; Answer, Captain Vivian	903

Army Regulation Bill [Bill 39]—

<i>Moved</i> , "That the Bill be now taken into Consideration"	904
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to consider the Bill, as amended, until the whole of the scheme of the Government for the first appointment, promotion, and retirement of Officers, together with an estimate of its probable or possible ultimate cost, have been laid upon the Table,"—(<i>Lord Elcho</i>),—instead thereof.	
After short debate, Question, "That the words proposed to be left out stand part of the Question," put, and <i>agreed to</i> .	
Main Question, "That the Bill be now taken into Consideration," put, and <i>agreed to</i> :—Bill <i>considered</i>	921
New Clauses moved, and <i>negatived</i> ; new Clauses <i>added</i> .	
Bill to be read the third time upon <i>Monday</i> next.	
It being now Seven of the clock, the House suspended its Sitting.	

The House resumed its Sitting at Nine of the clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:—"

ABYSSINIAN WAR—PRIZE—THE ABANA'S CROWN AND CHALICE—MOTION FOR AN ADDRESS—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to Her Majesty, praying that She will be graciously pleased to direct that the Abyssinian Abanas Crown and Chalice captured at Magdala by the force under General Lord Napier of Magdala, shall be purchased for the Nation, and to assure Her Majesty that this House will make good the expense of the same,"—(<i>Colonel North</i>),—instead thereof	939
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Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, <i>withdrawn</i> .	
THE AFRICAN SLAVE TRADE—MOTION FOR AN ADDRESS—	
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue instructions for the negotiation of such a Treaty with the Sultan of Zanzibar, as will relieve Her Majesty's Government from existing arrangements, by which they are made parties to the Slave Trade; and that She will use all lawful means to procure the entire suppression of the Slave Traffic and all export of Slaves from the East Coast of Africa,"—(<i>Mr. Gilpin</i>),—instead thereof	952
Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, <i>withdrawn</i> .	
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Bill, as amended, <i>considered</i>	957
After short debate, Bill read the third time, and <i>passed</i> , with Amendments.	
Election Commissioners Expenses Bill— <i>Ordered</i> (<i>Mr. Winterbotham, Mr. Secretary Bruce</i>); <i>presented</i> , and read the first time [Bill 220]	
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TICHBORNE V. LUSHINGTON—Petition <i>presented</i> (<i>The Earl of Derby</i>) ..	961
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EMANUEL HOSPITAL—SAINT MARGARET'S HOSPITAL AND THE GREY COAT HOSPITAL—Her Majesty's Answers to the Addresses of Friday last <i>reported</i>	
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ARMY (RECRUITING, &c.)—MOTION FOR AN ADDRESS—	
<i>Moved</i> that an humble Address be presented to Her Majesty for,	
Copies of instructions issued on the subject of recruiting during the last three years, showing the changes in the age, standard, height, and the mode of taking the chest measurement:	
Copies of instructions to medical officers regarding the examination of recruits and manner of testing their vision:	
Extracts from the last monthly returns of regiments of infantry, showing the ages of the non-commissioned officers and men in each regiment or battalion, and their length of service:	
Copies of correspondence with the commanding officers of regiments or battalions relating to the disadvantages of the youth of soldiers enlisted during the last three years: And also,	
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Army Regulation Bill [Bill 39]—		
<i>Moved</i> , "That the Bill be now read the third time,"—(<i>Mr. Cardwell</i>) ..		1002
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LORDS, TUESDAY, JULY 4.

Army Regulation Bill—	
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<i>Moved</i> , "That the Chairman do now leave the Chair,"—(<i>Mr. Joshua Fielden</i> .)	
After long debate, It being ten minutes before Seven of the clock, the Chairman left the Chair, to report Progress:—Committee to sit again <i>this day</i> .	
EAST INDIA (NAWAB NAZIM)—MOTION FOR A SELECT COMMITTEE—	
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After debate, Question put:—The House <i>divided</i> ; Ayes 64, Noes 122; Majority 58.	
University Tests (Dublin)—	
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<i>Moved</i> , "That Mr. Speaker do now leave the Chair."	
After short debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Brady</i>):—Question put:—The House <i>divided</i> ; Ayes 14; Noes 102; Majority 88.	
Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> :—Matter <i>considered</i> in Committee.	
<i>Resolved</i> , That the Chairman be directed to move the House, that leave be given to bring in a Bill to abolish Tests and to alter the constitution of the Governing Body in Trinity College and the University, Dublin.	
Resolution reported:—Bill ordered (<i>Mr. Fawcett, Mr. Plunket, Dr. Lyon Playfair, Viscount Crichton</i>); <i>presented</i> , and read the first time [Bill 226.]	
Globe Loan (Ireland) Act (1870) Amendment Bill—Ordered (<i>The Marquess of Hartington, Mr. Solicitor General for Ireland, Mr. Baxter</i>); <i>presented</i> , and read the first time [Bill 225]	1165
Epping Forest Bill—Ordered (<i>Mr. Ayrton, Mr. William Henry Gladstone</i>); <i>presented</i> , and read the first time [Bill 224]	1165
Salmon Fisheries (Ireland) (No. 2) Bill— <i>Presented</i> , and read the first time [Bill 227]	1165

COMMONS, WEDNESDAY, JULY 5.

Church Rates Abolition (Scotland) Bill [Bill 52]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. M'Laren</i>)	1166
After debate, Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(<i>Mr. Gordon</i>)	1183
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Registration of Partnerships Bill [Bill 86]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Norwood</i>)	1185
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Tithe Rentcharges (Ireland) Bill [Bill 132]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Heron</i>)	1194
After short debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Bagwell</i> :)—Motion agreed to :—Debate adjourned till <i>Wednesday</i> next.	
Elementary Education Act (1870) Amendment (No. 2) Bill —Ordered (<i>Sir Thomas Bazley, Viscount Sandon, Mr. Dixon, Mr. Carter</i>) ; presented, and read the first time [Bill 228]	1196
Public Libraries Act (1855) Amendment Bill —Ordered (<i>Mr. J. G. Talbot, Mr. George Gregory, Mr. Lyttelton</i>) ; presented, and read the first time [Bill 229]	1196

LORDS, THURSDAY, JULY 6.

Union of Benefices Acts Amendment Bill (No. 219)—	
<i>Moved</i> , "That the Bill be now read 2 ^a ,"—(<i>The Bishop of Winchester</i>)	1197
Bill read 2 ^a (according to Order), and committed to a Committee of the Whole House on <i>Tuesday</i> next.	
Burial Grounds Bill (Nos. 181-231)—	
House in Committee (according to Order)	1197
Amendments made; the Report thereof to be received on <i>Monday</i> next.	
Prayer Book (Tables of Lessons) Bill —	
Commons' Amendments considered (according to Order)	1201
<i>Moved</i> , "That their Lordships do agree to the Commons' Amendments,"—(<i>The Lord Chancellor</i> :)—After short debate, Motion agreed to.	
Judicial Committee of Privy Council Bill (Nos. 212-233)—	
Adjourned debate on Amendment moved on Report [July 4] resumed (according to Order)	1203
Amendments made :—Standing Orders Nos. 37 and 38 considered (according to Order) and dispensed with; Bill read 3 ^a ; an Amendment made; Bill passed, and sent to the Commons; Bill to be printed, as amended (No. 246.)	
Statute Law Revision Bill [H.L.]—Presented (<i>The Lord Chancellor</i>) ; read 1 ^a (No. 242)	1215

COMMONS, THURSDAY, JULY 6.

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—After long debate, Question put :—The Committee divided; Ayes 63, Noes 154; Majority 91.	
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ISLE OF ALDERNEY—FORTIFICATIONS—MOTION FOR A RETURN—	
Moved, "That there be laid before this House, Return of expenditure incurred since the year 1850 on the Fortifications in the Isle of Alderney,"—(The Duke of Somerset)	.. 1282
After short debate, Motion agreed to.	
RAILWAYS (IRELAND)—MOTION FOR RETURNS—	
Moved that there be laid before this House, Return of the various corporations, boards, and other public bodies in Ireland, including meetings of counties and towns convened by lawful authority, which have expressed to the Irish Government or to the Treasury their desire for an alteration of the present system of management of the Railways of that country since the first of January 1866 : Also, Copy of a Memorial on the same subject, signed by many Peers and Members of the House of Commons, and presented to the Treasury,—(The Marquess of Clanricarde)	... 1286
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ARMY—COMPULSORY SERVICE—

Moved, "That, in the opinion of this House, to place the country in a state of permanent security, it is necessary to establish our military system on the basis of recognizing the obligation of all citizens to defend their Country, and of fitting them by training for the discharge of their duty,"—(*Mr. O'Reilly*) 1315

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IRELAND—MEATH AND WESTMEATH ELECTIONS—STIPENDIARY MAGISTRATES
—Observations, Question, Lord Dunsany; Reply, Lord Dufferin :—
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WAR OFFICE—REWARDS TO INVENTORS—ADDRESS FOR PAPERS—

Moved that an humble Address be presented to Her Majesty for,
1. The documents submitted to the Committee that decided on Captain Scott's claims, and the subsequent correspondence thereon :
2. Correspondence between Mr. Lynall Thomas and the War Office, from 29th March 1871 to the present time :
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After short debate, Motion (by Leave of the House) *withdrawn*.

Ecclesiastical Titles Act Repeal Bill (No. 184)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Chancellor*) .. 1332
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Factories and Workshops Act Amendment Bill (No. 239)—

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Pedlars Certificates Bill [H.L.]—Presented (*The Earl of Morley*) ; read 1^a (No. 252) 1335

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EPPING FOREST—DISTURBANCES AT WANSTEAD FLATS—Question, Sir Henry Selwin-Ibbetson; Answer, Mr. Bruce
POST OFFICE—POSTAL COMMUNICATION WITH THE UNITED STATES—Question, Sir Thomas Bazley; Answer, Mr. Gladstone
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Elections (Parliamentary and Municipal) (<i>re-committed</i>) Bill [Bill 103]	
Bill considered in Committee [<i>Progress 7th July</i>] ..	1
Clause 2 (Regulations as to election and nomination of members.) ..	1
Clause 3 (Regulations as to polling) ..	1
After long time spent therein, Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.	
Metropolitan Tramways Provisional Orders Suspension Bill—Ordered (<i>Mr. Chichester Fortescue, Mr. Arthur Peel</i>); presented, and read the first time [Bill 236] ..	1
East India (Bishops' Leave of Absence) Bill—Ordered (<i>Mr. Grant Duff, Mr. Adam</i>); presented, and read the first time [Bill 237]	1
Intoxicating Liquors Licences Suspension Bill—Ordered (<i>Mr. Secretary Bruce, Mr. Winterbotham</i>); presented, and read the first time [Bill 234]	1
Sunday Observation Act Amendment Bill—Ordered (<i>Mr. Secretary Bruce, Mr. Winterbotham</i>); presented, and read the first time [Bill 235]	1
Customs and Inland Revenue Bill—Acts read; considered in Committee; Resolution agreed to, and reported :—Bill ordered (<i>Mr. Baxter, Mr. William Henry Gladstone</i>); presented, and read the first time [Bill 238]	1

LORDS, TUESDAY, JULY 11.

Public Libraries (Scotland) Act (1867) Amendment Bill (No. 241)—	
<i>Moved</i> , “That the Bill be now read 2 ^a ,”—(<i>The Earl of Airlie</i>) ..	1
After short debate, Motion agreed to :—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Monday</i> next.	
Ecclesiastical Titles Act Repeal Bill (No. 184)—	
House in Committee (according to Order) ..	1
After short time spent therein, Bill reported, without Amendment, and to be read 3 ^a on <i>Thursday</i> next.	
CHILDREN'S EMPLOYMENT COMMISSION—BRICKFIELDS—THE FACTORY ACTS—	
MOTION FOR AN ADDRESS—	
<i>Moved</i> that an humble Address be presented to Her Majesty, praying Her Majesty to take into Her consideration the state of the children in the brickfields as reported by the Commissioners in 1864, with a view to their being brought under the protection of the Factory Acts,—(<i>The Earl of Shaftesbury</i>)	14
After debate, Motion agreed to.	

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RUSSIA AND TURKEY—THE DARDANELLES—Question, Viscount Stratford de Redcliffe; Answer, Earl Granville	1412

ROYAL SCHOOL OF MINES—MOTION FOR AN ADDRESS—

Moved that an humble Address be presented to Her Majesty, praying that a letter addressed by Sir Roderick Murchison to the Privy Council, enclosing a letter from the officers of the Royal School of Mines relative to the proposed transference of that institution to South Kensington, may be laid before this House,—(*The Marquess of Salisbury*) 1412

After short debate, Motion (by Leave of the House) *withdrawn*.

COMMONS, TUESDAY, JULY 11.

ARMY—CAMPAIGN MANŒUVRES IN THE AUTUMN—Question, Sir Harry Verney; Answer, Sir Henry Storks	1414
CHAIN CABLES AND ANCHORS—Question, Mr. Grieve; Answer, Mr. Chichester Fortescue	1415
IMPORTATION OF CATTLE—Question, Mr. Samuda; Answer, Mr. W. E. Forster	1416

Elections (Parliamentary and Municipal) (*re-committed*) Bill [Bill 103]—

Bill *considered* in Committee [*Progress 10th July*] 1417

Clause 3 (Regulations as to polling.)

After long time spent therein, It being ten minutes before Seven of the clock, the Chairman left the Chair to report Progress.

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

NAVY—ADMIRALTY ADMINISTRATION—RESOLUTIONS—

Moved, "That, in the opinion of this House, it is desirable that the Board of Admiralty be discontinued; and that the offices of Controller and Superintendent of Her Majesty's Dockyards be held by persons who have special knowledge of the duties they have to discharge, and that their tenure of office be not limited to a term of years,"—(*Mr. Seely*) 1445

After debate, Question put:—The House *divided*; Ayes 30, Noes 110; Majority 80.

LEGAL EDUCATION—RESOLUTIONS—

Moved, "That, in the opinion of this House, it is desirable that a General School of Law should be established in the Metropolis, in the government of which the different branches of the legal profession in England may be suitably represented; and that, after the establishment thereof, no person should be admitted to practise in any branch of the legal profession, either at or below the Bar, or as an attorney or solicitor in England, without a certificate of proficiency in the study of Law, granted after proper examinations by such General School of Law,"—(*Sir Roundell Palmer*) 1482

Moved, "That the debate be now adjourned,"—(*Mr. Jessel*.)

Debate *adjourned* till *To-morrow*.

ROYAL PARKS AND GARDENS BILL—

Select Committee *nominated*:—List of the Committee 1501

Treasurers of Rates Bill [Bill 120]—

Order for Committee read:—*Moved*, "That Mr. Speaker do now leave the Chair" 1501

[House counted out.]

COMMONS, WEDNESDAY, JULY 12.

Habitual Drunkards Bill [Bill 38]—

Moved, "That the Bill be now read the second time,"—(*Mr. Donald Dalrymple*) 1501

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Habitual Drunkards Bill—continued.

After debate, Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”—(*Colonel Barttelot*) .. 15
Question proposed, “That the word ‘now’ stand part of the Question :”
—After further debate, Amendment and Motion, by leave, *withdrawn* :
—Bill *withdrawn*.

Elementary Education Act (1870) Amendment Bill [Bill 67]—

Moved, “That the Bill be now read a second time,”—(*Mr. Dixon*) .. 151
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months,”—(*Mr. Collins*).
After debate, Question, “That the word ‘now’ stand part of the Question,” put, and *negatived* :—Words *added* :—Main Question, as amended, put, and *agreed to* :—Bill *put off* for three months.

Local and Personal Acts (Ireland) Bill [Bill 26]—

Moved, “That the Bill be now read a second time,”—(*Mr. Heron*) .. 1539
After short debate, *Moved*, “That the debate be now adjourned,”—(*Mr. Bouverie* :)—Motion *agreed to* :—Debate *adjourned* till *Wednesday*, 9th August.

Poor Rate Assessment and Collection Act (1869) Amendment Bill—Ordered

(*Mr. Henderson, Mr. Crawford, Mr. Eustace Smith, Mr. Bowring*) ; *presented*, and read the first time [Bill 241] 1543

Irish Church Act (1869) Amendment Bill—Ordered (*Mr. Heron, Mr. Bagwell*) ;

presented, and read the first time [Bill 244] 1543

Maynooth College Bill—Ordered (*The Marquess of Hartington, Mr. Solicitor General*

for Ireland) ; *presented*, and read the first time [Bill 243] 1543

LORDS, THURSDAY, JULY 13.

Army Regulation Bill (No. 237)—

Moved, “That the Bill be now read 2^d,”—(*The Lord Northbrook*) .. 1544
Amendment *moved*, to leave out from (“That”) to the end of the motion for the purpose of inserting the following words :
 (“This House is unwilling to assent to a second reading of this Bill until it has laid before it, either by Her Majesty’s Government or through the medium of an inquiry and report of a Royal Commission, a complete and comprehensive scheme for the first appointment, promotion, and retirement of officers ; for the amalgamation of the Regular and Auxiliary Land Forces ; and for securing the other changes necessary to place the military system of the country on a sound and efficient basis,”)—(*The Duke of Richmond*) 1566
After long debate, on the Motion of the Duke of CAMBRIDGE, the further debate *adjourned* till *To-morrow*.

Charitable Donations and Bequests (Ireland) Bill [H.L.]—Presented (*The Lord*

O’Hagan) ; read 1st (No. 258) 1621

COMMONS, THURSDAY, JULY 13.

PARLIAMENTARY RETURNS—Question, Mr. A. Russell ; Answer, Mr. Baxter 1621

OFFICE OF JUDGE ADVOCATE GENERAL—Question, Lord Eustace Cecil ;

Answer, Mr. Gladstone 1622

ARMY—CAMPAIGN MANŒUVRES IN THE AUTUMN—Question, Mr. F. Stanley ;

Answer, Mr. Cardwell 1622

VISIT OF THE IMPERIAL CROWN PRINCE AND PRINCESS OF GERMANY—Question,

Mr. Monk ; Answer, Mr. Gladstone 1623

THE CIVIL LIST—SELECT COMMITTEE, 1837-8—HER MAJESTY’S HOUSEHOLD

—Question, Mr. Dixon ; Answer, Mr. Gladstone 1624

NAVY—MR. CUNNINGHAM’S INVENTIONS — Question, Lord Henry Scott ;

Answer, Mr. Goschen 1626

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POST OFFICE—TELEGRAPH SYSTEM—Question, Mr. Whatman; Answer, Mr. Monsell ..	1629
ARMY—COMPETITIVE EXAMINATIONS FOR WOOLWICH—Question, Mr. Heygate; Answer, Mr. Cardwell ..	1630
PROTESTANT CEMETERY AT FLORENCE—Question, Mr. Kinnaird; Answer, Viscount Enfield ..	1631
SOUTH AFRICAN DIAMOND FIELDS—Question, Mr. R. N. Fowler; Answer, Mr. Knatchbull-Hugessen ..	1631
IRISH BUSINESS — Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington ..	1632
INHABITED HOUSE DUTY—Question, Mr. Mundella; Answer, The Chancellor of the Exchequer ..	1633
GIBRALTAR—ALIENS—Question, Sir John Gray; Answer, Mr. Knatchbull-Hugessen ..	1633
ARMY AND NAVY ESTIMATES—Question, Observations, Mr. G. Bentinck; Reply, Mr. Gladstone ..	1634
<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Bentinck</i> :)—After debate, Question put, and <i>negatived</i> .	
Elections (Parliamentary and Municipal) (<i>re-committed</i>) Bill [Bill 103]—	
Bill <i>considered</i> in Committee [<i>Progress 11th July</i>] ..	1646
Clause 3 (Regulations as to polling).	
After some time spent therein, Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.	
New Mint Building Site (<i>re-committed</i>) Bill [Bill 223]—	
Bill <i>considered</i> in Committee ..	1675
<i>Moved</i> , "That the Chairman do now leave the Chair,"—(<i>Mr. Charley</i> :)—	
After short debate, Question put :—The Committee <i>divided</i> ; Ayes 118, Noes 95; Majority 23. [No Report.]	
Turnpike Acts Continuance, &c. Bill— <i>Ordered</i> (<i>Mr. Winterbotham, Mr. Secretary Bruce</i>); <i>presented</i> , and read the first time [Bill 247] ...	1678
Endowed Hospitals (Scotland) Bill— <i>Ordered</i> (<i>The Lord Advocate, Mr. Adam</i>); <i>presented</i> , and read the first time [Bill 248] ...	1678

LORDS, FRIDAY, JULY 14.

Army Regulation Bill (No. 237)—	
Debate on the Amendment on the Motion for the Second Reading [July 13] <i>resumed</i> ..	1679
After long debate, on the Motion of The Lord ABINGER, the further debate on the said Motion adjourned to <i>Monday</i> next.	

COMMONS, FRIDAY, JULY 14.

NAVY—SUPERINTENDENTS OF DOCKYARDS—Question, Mr. Seely; Answer, Mr. Goschen ..	1744
Elections (Parliamentary and Municipal) (<i>re-committed</i>) Bill [Bill 103]—	
Bill <i>considered</i> in Committee [<i>Progress 13th July</i>] ..	1744
Clause 3 (Regulations as to polling.)	
After some time spent therein, Committee report Progress; to sit again upon <i>Monday</i> next.	
It being now Seven of the clock, the House suspended its Sitting.	
The House resumed its Sitting at Nine of the clock.	

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[July 14.]

SUPPLY—Order for Committee read; Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair:”—

IRELAND—RAILWAYS—MOTION FOR A PAPER—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “there be laid before this House, a Copy of the Memorial, signed by seventy-eight Peers and ninety Irish Members of Parliament in 1869, in favour of the recommendations of the Commissioners appointed to inquire into the condition of the Irish Railways in 1868, together with Copy of the Memorials and Resolutions praying for the reform of the Irish Railway system adopted at public meetings throughout Ireland, presented to the present Government since their accession to office,”—(*Mr. William Ormsby Gore*),—instead thereof ... 1

Question proposed, “That the words proposed to be left out stand part of the Question:”—After debate, Amendment, by leave, *withdrawn*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

SUPPLY—*considered* in Committee—**MISCELLANEOUS ESTIMATES.**

(In the Committee.)

Motion made, and Question proposed, “That a sum, not exceeding £268,122, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for Public Education under the Commissioners of National Education in Ireland” ... 178

After short debate, *Moved*, “That the Chairman do report Progress, and ask leave to sit again,”—(*Mr. Bentinck*):—Question put:—The Committee *divided*; Ayes 44, Noes 68; Majority 24.

Original Question again proposed:—*Moved*, “That the Chairman do now leave the Chair,”—(*Mr. Raikes*):—After further short debate, Motion, by leave, *withdrawn*.

Original Question put:—The Committee *divided*; Ayes 63, Noes 26; Majority 37:—Resolution to be reported.

The Clerk at the Table informed the House, That Mr. Speaker was unable to return to the Chair during the present sitting of the House.

Whereupon, Mr. Dodson, the Chairman of Ways and Means, took the Chair as Deputy Speaker, pursuant to the Standing Order.

Resolution to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

Feudal and Burgage Tenure (Scotland) Bill—Ordered (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*); presented, and read the first time [Bill 251] ... 1792

HABITUAL DRUNKARDS—

Select Committee appointed, “to consider the best means of dealing with Habitual Drunkards,”—(*Mr. Donald Dalrymple*) ... 1792

LORDS, MONDAY, JULY 17.

CHILDREN’S EMPLOYMENT COMMISSION—Her Majesty’s Answer to the Address of Tuesday last reported .. 1792

Army Regulation Bill (No. 237)—

Debate on the Amendment on the Motion for the Second Reading [July 13] *resumed* .. 1792

After long debate, on Question, That the words proposed to be left out stand part of the Motion? their Lordships *divided*; Contents 130; Not-Contents 155: Majority 25:—*Resolved* in the *Negative*.

Then Motion, as amended, *agreed to*.

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ARMY RECRUITING—Question, Colonel Sykes; Answer, Captain Vivian ..	1871	1871
UNIVERSITY REFORM—Questions, Lord Edmond Fitzmaurice, Mr. Spencer Walpole, Mr. Beresford Hope; Answers, Mr. Gladstone ..	1872	1872
RAILWAYS—THE ROPE SYSTEM—Question, Mr. Eastwick; Answer, Mr. Chichester Fortescue ..	1874	1874
VACCINATION CONTRACTS—Question, Mr. Heygate; Answer, Mr. Stansfeld ..	1875	1875
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NAVY—CHAIN CABLES—Question, Mr. Cawley; Answer, Mr. Goschen ..	1880	1880
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<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Tomline.</i>)		
After short debate, Motion <i>negatived</i> .		
IRELAND—ROYAL MILITARY SCHOOL, DUBLIN—Question, Sir John Gray; Answer, The Marquess of Hartington ..	1885	1885
CONTAGIOUS DISEASES COMMISSION—Question, Mr. Baines; Answer, Mr. Bruce ..	1886	1886
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Statement of Mr. GLADSTONE:—Motion <i>pro forma</i> , "That the Order of the Day for the re-committal of the Debtors (Ireland) Bill be discharged:"	1887	1887
—Debate thereon ..	1887	1887
Debtors (Ireland) Bill [Bill 171]—		
<i>Moved</i> , "That the Order of the Day for the re-committal of the Debtors (Ireland) Bill be discharged,"—(<i>Mr. Gladstone</i>) ..		
After short debate, Bill <i>withdrawn</i> .		
Elections (Parliamentary and Municipal) (re-committed) Bill [Bill 103]—		
Bill <i>considered</i> in Committee [<i>Progress 14th July</i>] ..	1903	1903
Clause 3 (Regulations as to polling.)		
After some time spent therein, Committee report Progress; to sit again <i>To-morrow</i> , at Two of the clock.		
SUPPLY—REPORT—Resolution [July 14] <i>reported</i> ..	1918	1918
"That a sum, not exceeding £268,122, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for Public Education under the Commissioners of National Education in Ireland."		
After short debate, Resolution <i>agreed to</i> .		
Sunday Observance Prosecutions Bill [Bill 235]—		
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After short debate, Bill read a second time, and <i>committed for Thursday</i> .		
Public Lands and Commons Bill—Ordered (<i>Sir Charles Dilke, Mr. Taylor, Mr.</i> <i>Morrison</i>); <i>presented</i> , and read the first time [Bill 252] ...	1924	1924
Small Debts, &c. (Ireland) Bill—Ordered (<i>Mr. Solicitor General for Ireland, The</i> <i>Marquess of Hartington</i>); <i>presented</i> , and read the first time [Bill 253] ...	1924	1924

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Private Chapels Bill (No. 96)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Lyttelton*) .. 1924
After short debate, Motion *agreed to* :—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

Charitable Donations and Bequests (Ireland) Bill (No. 258)—

Moved, "That the Bill be now read 2^a,"—(*The Lord O'Hagan*) .. 1928
After short debate, Motion *agreed to* :—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

Statute Law Revision Bill (No. 242)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Chancellor*) .. 1929
Motion *agreed to* :—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Prevention of Crime Bill (No. 248)—

House in Committee (on Re-commitment) (according to Order) .. 1930
Amendments made; the Report thereof to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 266.)

COMMONS, TUESDAY, JULY 18.

ARMY—OVER-REGULATION PRICES—Notice, Sir George Grey .. 1934
POST OFFICE — POSTAL CARDS — Question, Mr. Dickinson; Answer, Mr. Monsell .. 1934
ARMY—CLAIMS OF INVENTORS — Question, Mr. O'Reilly; Answer, Mr. Cardwell .. 1935
POST OFFICE—REMUNERATION OF POSTMASTERS FOR TELEGRAPH DUTY—
Question, Mr. Grieve; Answer, Mr. Monsell .. 1935

Elections (Parliamentary and Municipal) (*re-committed*) Bill [Bill 103]—

Bill *considered* in Committee [*Progress 17th July*] .. 1936
Clause 3 (Regulations as to polling).

After some time spent therein, It being now ten minutes to Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

[House counted out.]

COMMONS, WEDNESDAY, JULY 19.

Registration of Parliamentary Voters Bill [Bill 19]—

Order for Committee read .. 1951
Moved, "That the Order for going into Committee be discharged,"—
(*Mr. H. R. Brand.*)
Motion *agreed to* :—Order *discharged* :—Bill *withdrawn*.

Registration of Voters (No. 2) Bill [Bill 22]—

Bill *considered* in Committee .. 1952
After some time spent therein, Bill *reported*; to be *printed*, as amended [Bill 256]; *re-committed* for *Tuesday* next.

APPENDIX.

LORDS.

MONDAY, JUNE 26.

Earl De Grey and Earl of Ripon, K.G., having been created Marquess of Ripon—
Was (in the usual manner) introduced.

SAT FIRST.

FRIDAY, JUNE 23.

The Lord Howard de Walden, after the Death of his Father.

MONDAY, JULY 10.

The Earl of Aylesford, after the Death of his Father.

REPRESENTATIVE PEER FOR IRELAND (*Writ and Return.*)

TUESDAY, JULY 11.

The Lord Ventry.

COMMONS.

NEW WRIT ISSUED.

MONDAY, JULY 3.

For *County Monaghan, v.* Charles Powell Leslie, esquire, deceased.

NEW MEMBERS SWORN.

WEDNESDAY, JUNE 14.

Stafford County (Western Division)—Francis Monckton, esquire.

THURSDAY, JULY 6.

Westmeath—Patrick James Smyth, esquire.

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HANSARD'S PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE TWENTIETH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 10 DECEMBER, 1868, AND THENCE
CONTINUED TILL 9 FEBRUARY, 1871, IN THE THIRTY-
FOURTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, 14th June, 1871.

MINUTES.]—NEW MEMBER SWORN—Francis Monokton, esquire, for Stafford County (Western Division).

PUBLIC BILLS.—*Ordered*—Glasgow Boundary*; Sasines Register (Scotland)*.

Second Reading—Endowed Schools Act (1869) Amendment [55], *put off*; Landrights and Deeds (Scotland)* [84]; Primitive Wesleyan Methodist Society of Ireland Regulation* [143].

Select Committee—Metropolis Water (No. 2)* [166], *nominated*.

Report—Tramways Provisional Orders Confirmation* [130-197].

Third Reading—Ecclesiastical Titles Act Repeal* [164], and *passed*.

Withdrawn—Medical Act (1858) Amendment [72]; Medical Act (1858) Amendment (No. 2)* [73].

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ENDOWED SCHOOLS ACT (1869) AMENDMENT BILL.—[BILL 55.]

(Sir John Lubbock, Lord Edmond Fitzmaurice, Mr. Thomas Hughes, Mr. Rathbone.)

SECOND READING.

Order for Second Reading read.

SIR JOHN LUBBOCK rose to move that the Bill be now read a second time. He said that the main object of the measure was to repeal the religious restrictions contained in the Endowed Schools Act, 1869. That Act was passed partly on account of the very great abuses which had crept into the management of endowed schools, but mainly because it was felt that the whole system needed revision, and especially that many of the smaller foundations might advantageously be combined together; that

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where several schools co-exist in one town, at present acting independently of each other, it was desirable that they should in some cases be united, in others be adapted to different educational grades, and occupy a definite position in relation to one another. Many schools, however, were excluded from the provisions of the Act, with the effect, in the opinion of many, of considerably curtailing the benefits intended to be given by it. In the first place, the Commissioners could only deal with any endowments originally given to charitable uses more than 50 years before the passing of the Act. Those who introduced that Bill accepted the 50 years as a reasonable period, but they saw no magic in the year 1869, and they proposed to make the 50 years a running period, authorizing the Commissioners to deal with any endowed school which had been in existence 50 years. If the limit was right in 1869, it must be right in 1871. If the Endowed Schools Act had passed this year, the limit would have been 1871 instead of 1869. He now passed to their second proposal. Clause 14 of the Endowed Schools Act, which they proposed to repeal, excluded from the operation of the Act all Quaker schools, all Moravian schools, all cathedral schools, and all schools forming part of the foundation of any college in Oxford or Cambridge. As regarded the Quaker or Moravian schools, it was only fair to say that they heard no complaints of them; but they objected on principle that certain schools should be excepted, not because they were good, but because they belonged to Quakers or Moravians. Whether, however, those schools, or any of them, should on other grounds be excluded was a question not of principle but of detail, and could best be discussed in Committee. He passed on, therefore, to the next and most important provision of the Bill. The House would remember that, by Clause 17 of the Endowed Schools Act, it was provided that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being one of the Governing Body of any endowment. But Clause 19 excluded from the operation of that clause all cathedral schools, and—

"All educational endowments the scholars educated by which are required by the express terms

of the original instrument of foundation, or statutes or regulations made by the founder under his authority, in his lifetime, or with years after his death (which terms have been served down to the commencement of this to learn or be instructed according to the trines or formularies of any particular Class, sect, or denomination."

Now, it was extremely difficult to ascertain whether a given school came within that clause or not. He was not on point speaking without personal experience. Last Session an Address presented to Her Majesty requested Her Majesty to refer back the statute of certain public schools to the Public School Commissioners, in order that the Commissioners might apply that clause in framing the new statutes for the schools. To that Her Majesty graciously consented, and, as one of the Commissioners, it became therefore his duty to consider that matter. To take, for instance, the case of Harrow, which has been before the House on the previous evening, it seemed to him that it was most difficult to decide whether it was covered by the clause or not. Nor was that by any means an exceptional case. He was informed that there were some scores of cases now before the Endowed Schools Commission, as regards which two perfectly reasonable men might come to opposite conclusions; in many of which, therefore, undoubtedly law suits would arise, the expenses of which would doubtless be paid out of the endowment. But, further, to bring a school within the clause, the terms laid down by the founder must have been observed down to the present time. That was surely a most inequitable provision. While restraining the deliberate and well-considered action of Commissioners, carefully selected for their wisdom, their character, and their acquaintance with the position and functions of endowed schools, it not only absolved, but justified and adopted changes which had crept in through the negligence, the incompetence, or the *mala fides* of accidental trustees; it perpetuated the changes made through ignorance, neglect, or accident, while forbidding any alteration which was well-considered and adopted after mature deliberation. But where the operation of the clause was clear, it in many cases led to very great inconvenience. For instance, Bristol had about 20 endowments, with an income, in round numbers, of £17,000

Sir John Lubbock

a-year. It would manifestly be very advantageous to bring these schools under one management; that would result in greater economy, greater harmony, and probably better management; but it was prevented by Clause 19. At Leicester, again, there was a very similar state of things. He would not weary the House with other examples, but rested this portion of his case on the opinions of three Gentlemen pre-eminently qualified above all others to speak on that point—namely, Lord Lyttelton, Mr. Hobhouse, and Canon Robinson, the Endowed Schools Commissioners, whom he had consulted, and who had favoured him with their views on the subject. Thus it would be seen that all three Commissioners, not speaking, indeed, officially, but expressing their individual opinions, characterized the clause as arbitrary, inconsistent, and inconvenient; two of them wished to see it repealed, and the third, while approving the theoretical principle on which it was based, was unable to defend it on account of the great inconvenience it involved. They had it, then, on the highest authority, that the effect of Clauses 14 and 19 was to exclude a large proportion of endowments from the operation of the Act, and to that extent to leave matters as they were before the Endowed Schools Act was passed. What, then, was that condition? The Endowed Schools Act was passed because a thorough change was imperatively required. At one school, which had an income of £300 a-year, and where the children were clothed as well as taught, the trustees paid the master £30 a-year, the mistress £15, and distributed £78 a-year among the parents for allowing the children to come to school. Huntingdon School, with a comfortable boarding-house, an ample detached schoolroom, a good cricket-ground, and three masters, had only 16 pupils; and even as regards them, we are told that their knowledge of all but elementary subjects appeared to be worthless. At Normanton School, the Assistant Commissioner found 11 children following their own devices, while the master was reading *Bell's Life*. At Bosworth, with a net income of £792 a-year, there were three boarders only. At Thame, with an endowment of £300 a-year and two masters, there was only one scholar. The late master of Whitgift's Hospital at Croydon held the post

for 30 odd years, and never had a pupil the whole time. The School Inquiry Commissioners reported other cases, which, however, he would not occupy the time of the House by quoting. It was, moreover, evident that the law could do little to remedy that state of things. Berkhamstead School, for instance, was in Chancery for 125 years, during which there were three decrees, five Masters' reports, and 14 orders in Chancery. At Kirkleatham, again, there was no school for 50 years; the lady of the manor occupied the building and paid the income of £50 a-year to her steward. At last the Court of Chancery interfered and approved a scheme, but no one communicated it to the trustees, and for 10 years nothing was done, until the state of things was brought to light by an accident. Of course these were exceptional cases; but under the head of "wasted endowments" the School Inquiry Commissioners placed foremost "those endowments for education which are too small to be of any real service by themselves." They state—

"The small endowments described in the second chapter, consisting of a few pounds a-year, without even a building for a school, can be made of no use, except by consolidation or enlargement. Wherever there are several such endowments in one town or parish, they ought to be united, the trustees of each being represented on the joint trust."

And, again, in the concluding pages, they recommended that when there were in any one town or parish more than one educational endowment, they ought to be brought into relation with each other, and they said that it constantly happened that such endowments, though capable, if worked in concert, of conferring great benefits on the place, were either useless, or even mischievous, because they were divided; and that the endowments would do far more good if so managed as to work in harmony. He did not rely mainly on individual cases of abuses for proposing this alteration of the law, because it was only fair to say that as regarded the great number of the endowed schools, those who had the management of their funds had acted to the best of their ability, and he should be sorry to be supposed to be casting a slur on those gentlemen who had taken part in the management of these institutions. If it was argued that they had no right to alter the dispositions of testators, he could not do better than quote the words

of one whose opinion would be received with respect by all sides in that House—Lord Hatherley, who, in answer to Lord Lyttelton, said—

“ I think there ought to be a power of revision after a certain number of years—any 60 years—of any (charitable) disposition a person may choose to make of his property, because you do not allow a man to dispose of his property in favour of his great grandchildren; he cannot do it for more than a life in being and 21 years after that.”

And the Endowed Schools Commissioners, all men of the highest eminence, quoted with approval a passage from the Report of the Popular Education Commissioners, in which it was stated that—

“ The power of posthumous legislation exercised by a founder in framing statutes to be observed after his death is one which must, in reason, be limited to the period over which human foresight may be expected to extend. . . . By the law of England, and by the law of nature, a man is incapable of making a perpetual disposition of his property. The State suffers him to exercise an indefinite power over the land for the purpose of foundation; and in so doing it is not only entitled but bound to secure the interests of future generations, which can be done only by retaining the power of modifying the founder's regulations, when necessary, to suit the requirements of succeeding times.”

If it was said that such a measure as that now proposed would tend to discourage future endowments, he would only reply that it would be well to check foolish testators from tying up their property, and that wise ones would be glad to feel that their dispositions would be modified from time to time, so that their liberality might produce the greatest amount of good. Moreover, the fact was that from the nature of things the schools were altered. There were very few schools indeed in the statutes of which large alterations had not already been made. Mr. Fearon, who carefully examined into that point, could not find one single school in his district which was exactly what the founder meant it to be. These alterations had sometimes arisen from mere neglect, and sometimes been made by the Court of Chancery; but they had been so large and so numerous that to allow them to stand, and refuse to change any further really meant that they were to pay respect to changes introduced by chance or carelessness, or at best on very imperfect information, but to refuse to introduce those which a general and systematic survey of the facts showed to be really needed. The present Bill, if adopted by the House, would

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still leave testators ample—nay extraordinary—powers. They would still be able to regulate the expenditure of money for 50 years—for no less than half-a-century—after their death. In other matters it was universally admitted that the dead could not be permitted to tyrannize over the living; that property was not the property of the dead, but of the living; and that each generation should be allowed to manage its own affairs. In family arrangements they knew that settlements were limited to lives in being and 21 years afterwards, and the “dead hand” had become proverbial. There were, no doubt, many who regarded endowments for religious education as something *sui generis*, and who thought it sacrilege to touch any such bequests; yet some of those legacies would be admitted, on all hands, to be useless or even mischievous. Years ago a sum of money was left to found an annual Walloon sermon at Norwich; such a sermon was preached every year, and, for aught he knew, might be so still; yet, no one at Norwich now spoke Walloon, nor could any English clergyman be found who was acquainted with that dialect, so that the preacher learned the sermon by heart, and solemnly delivered in church a discourse which no one, not even he himself, could understand. Again, some years ago, a sum of money was left to be spent in propagating Joanna Southcote's peculiar tenets. In consequence of some informality that will was happily set aside, and now scarcely any one believed in Joanna Southcote; but if there were an endowment of £10,000 a-year to support her views, no doubt a certain number of persons would persuade themselves that they did. He presumed they would all admit that such an endowment as that would be simply mischievous. But an opinion which after 50 years' nursing had acquired so little strength or vitality that it could not maintain itself, must be either erroneous or, at any rate, unsuited to the mental condition of those to whom it had been taught. There was an old saying that *Magna est veritas et prevalebit*; and it was true that the progress of mankind was towards truth; but that progress was slow; the majority of nations were far indeed from enlightened views on religious matters; and, in our own case, if 20 theological systems were

taught by endowments, they tended to strengthen and artificially prolong the existence of 20 systems, 19 of which were necessarily wrong. In fact, endowments for the maintenance and propagation of particular opinions were peculiarly mischievous, and everyone would admit that that was the case as regarded every such system except his own. Endowments in support of religion—endowments which tended to raise the character without fettering the intellect of man—stood, of course, on a very different footing from endowments in favour of a particular set or system. In science they had chairs—say of geology or astronomy; but no one dreamt of founding endowments to support particular theories or systems. Everyone admitted such endowments would retard the progress of science and injure the very cause they were intended to serve. They had realized the truth that it was wrong to persecute those who differed from them; they had still to learn that it was equally mischievous to bribe. Such a course tended to degrade and corrupt truth, and to poison religion at the very source. He should regret if the Government felt it to be their duty to oppose the Bill, because the measure now before the House did but carry out and apply to endowed schools the principle of the University Tests Bill—a principle so often affirmed in that House by overwhelming majorities. Moreover, the Government had themselves brought in a Bill—the Charity Commissioners Bill—which went beyond anything contained in the present measure. The Government proposed that, if the Charity Commissioners found that from any cause any given charity was productive of inconsiderable benefit, they might frame any scheme which they might deem best calculated to further the general objects for the promotion of which the charity was founded; and especially, under Clause 6, charities might be consolidated. Thus, then, he proposed to do in the case of schools exactly that which the Government themselves thought was right in regard to other charitable foundations. Perhaps he might be told that the Endowed Schools Act was a compromise, but he would urge on the House that since that Act became law the condition of things had been altogether altered by the passage of the Elementary Education Act. Since the duty of providing

for the elementary education of the people had been thrown on the ratepayers, endowments devoted to the maintenance of elementary education practically tended in the main, not to promote education, but to lighten rates. That was a very desirable object no doubt; everyone was anxious to lighten rates, but this ought not to be done at the expense of education. The Elementary Education Act had, in fact, given to such funds an effect never dreamt of by the founders. It appeared to him, then, that the present measure should be supported alike by those who held most strongly the inviolability of endowments, and by those who wished to see them applied, and, if necessary turned, to the best account. How, then, could they best be utilized? Most of those who took an interest in education would agree with a Resolution proposed by the Bishop of Exeter, at a county meeting held in that city, and supported by many influential Conservatives, namely—

“That the educational organization of the county, so far as endowed schools are concerned, should consist of schools of different grades, so connected together by exhibitions, that the progress of the deserving scholar from a school of the lower grade to one of a higher grade may be provided for and facilitated.”

The main object of the present Bill was to render that possible, and he hoped therefore it might receive some support from hon. Gentlemen opposite. In the words of Professor Huxley, “we shall thus make a ladder from the gutter to the University,” and though by some that was called spoliation, confiscation, and robbery of the poor, such language could not, he thought, be used by those who really understood what was proposed, as it was obviously for the benefit of the poor; it would throw open these charities to those who really deserved them; the poor would obtain the benefit of those endowments as the reward of industry rather than of solicitation, by their own merits and not by the favour of others. Genius was found alike in all ranks and classes of the community; even now it had in some cases forced a way for itself against all difficulties and obstacles; but, alas! in others it had unfortunately been lost to them. Under the system which it was the object of the present measure to extend, they would have throughout the country schools of different grades connected together by scholarships and exhibitions; they would

thus reward not ability alone but industry as well, and where intelligence and industry went together, every child, no matter what his station in life might be, would have the opportunity of obtaining the best education which the country could afford; an opportunity which would not only conduce greatly to his own advantage, but also, as he believed, to the happiness and prosperity of the whole nation. The hon. Baronet concluded by moving the second reading of the Bill.

MR. T. HUGHES said, he would second the Motion. He must express his admiration of the scheme of the Endowed Schools Act. It was eminently calculated to raise the higher education of the country to a point which they would all be proud of in the future; but it had been found that the Act contained some clauses which were extraordinary exceptions—which were contrary to the spirit of that measure. He thought 50 years sufficiently long to bind the wishes of any testator; but, if not, he would not object to extending the time to 60 years. He believed the object in view could be best carried out by putting the best men in the country at the head of the foundations, and that was what was being done under the Endowed Schools Act. It would be in entire accordance with the Act to place under them schools of all denominations, and to enable them to deal with any endowments which had been in existence for more than 50 years in such a way as they might think most desirable. It might be said that a great measure which had been so recently passed, as the Act of 1869 had, should not be disturbed. He admitted that to be right as a general rule, but was of opinion that when such a blot in that measure existed as these mischievous tests were, they ought to be removed as soon as possible.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir John Lubbock.*)

MR. PEASE, in rising to move that the Bill be read a second time upon that day six months, said, he was of opinion that the cause which both he and the hon. Baronet the Member for Maidstone had at heart would receive more benefit from the rejection of this measure than it would from its being passed into law. The chief objection which he had to this

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Bill was that it proposed to deal with the Endowed Schools Act, which was the result of a compromise that House was bound to respect, and which had been accepted as a final settlement of a most vexed question, in which both sides of the House had taken a very warm and decided interest. And, moreover, the proposal of the hon. Baronet, which would bring any endowment under the provisions of the Act, immediately after such endowment had completed 50 years of existence, and which would both change the Governing Body and the whole scheme of education, would go to the extent of preventing all endowments for the future. The peculiar class of endowed schools with which the hon. Baronet proposed to deal were, as far as educational matters were concerned, actually within the scope of the Endowed Schools Act, the Governing Bodies of such schools alone being exempted from its operation. According to the evidence taken before the Convents Committee, there were 65,000 Roman Catholic children in this country, and 4,000 in Scotland, being educated at schools which would not come under the Endowed Schools Act, or any other Act, because the moneys by which they were supported were applicable to other purposes than the schools, and all training schools for ministers were intentionally omitted from the Act. But under the 14th clause, which the Bill under discussion proposed to repeal, in schools under the Dean and Chapter and schools connected with Quakers and Moravians, the whole scheme of education might be altered and re-modelled, though the Governing Bodies could not be interfered with. There were practically eight schools connected with the Society of Friends, among which was the admirably-conducted Quakers' School at Ackworth, in Yorkshire, which would be affected by this Bill; they afforded accommodation for 812 scholars; they had at present 770 inmates; their annual income was £21,000, of which £3,900 was derived from endowments. The children were educated for about £28 a-head, of which about £3 was supplied by endowments. To make those endowments available for the public was not in accordance with the intention of the founders, or of those who had kept up the schools and had extended their usefulness, and no scheme which could be devised by the Commis-

sioners could make those schools more beneficial for the purpose of education, or could introduce more efficient management. Under this Bill those schools would gradually come within the scope of the Endowed Schools Act, the last one falling in in 1892, and the effect would probably be to diminish the interest taken in these institutions, and to break up their whole machinery of education, which now worked so efficiently and satisfactorily. If denominational endowed schools were to be brought within the operation of the Endowed Schools Act to the extent desired by the hon. Baronet, a certain day ought to be fixed for that change to be carried out generally, instead of such schools being allowed to drop in one by one at the expiration of the 50 years of their existence. It would, at any rate, be advisable, before passing such a measure as this, for Parliament to wait and see whether the schemes to be proposed by the Endowed Schools Commissioners under the Act were acceptable to the country. If the hon. Baronet thought that this measure would do away altogether with the denominational character of the people of this country he was very much mistaken, because the tendency of the general feeling of the people was the other way. If this Bill were to be passed, the practice of holding money for denominational purposes in secret trust, such as was practised by Roman Catholics and Moravians, which was a most objectionable and immoral one, would be largely increased. He thought, moreover, the introduction of the present Bill highly objectionable, seeing that the scheme which it sought to amend had not been fairly tried, having been in operation only two years; and it was calculated to cause a greater evil than it professed to cure.

Mr. GOLDNEY said, he must regard the introduction of the Bill as a misfortune, inasmuch as it was an attempt to tinker the Endowed Schools Act, the whole machinery of which it would throw out of gear. The Act in question had been carefully considered by a Select Committee, and the right hon. Gentleman opposite (Mr. Forster) had won his spurs by the courtesy and conciliation he displayed in conducting it through that House. The measure had been accepted by the various denominations as a final settlement of the question, and it

would be unfair to reopen it almost before the ink with which the Endowed Schools Act was written was dry. Unless these denominational endowed schools were protected, Parliament would be encouraging the practice of secret trusts, that had been adopted by the Roman Catholics, in order to prevent their endowments from being dealt with by the State. The hon. Baronet the Member for Maidstone (Sir John Lubbock) had ignored the great principle of the Act, and proposed that, though there was no absolute power on the part of the Commissioners themselves to make certain changes, power to do so should be given to the Governing Bodies themselves. Now, he must say, that the schemes which had been framed under the Endowed Schools Act were most admirable; the endowments of Christ's Hospital, for instance, being proposed to be dealt with in such a manner that 5,000 children in the City would be educated by their means. It would be most undesirable to interfere with those schemes, and to unsettle people's minds again upon a subject which had been disposed of by a satisfactory compromise, more especially when everyone was endeavouring to enter into the spirit of the Act, and to carry out its provisions effectually. As to the dress of the Bluecoat School, to which some persons objected, for the last century or more it had been a great police regulation or protection to the Bluecoat scholars throughout that great City, thereby securing their good behaviour, for no instance could be shown of a boy from that school getting into disgrace when rambling about at holiday-time, or out of school-hours. The governors of that school had done everything to promote the education and preserve the health of the scholars. Their health was better preserved than that of the scholars in any public school in the kingdom. If the governors were satisfied with the dress, and the scholars themselves took a pride in it, he (Mr. Goldney) thought no one ought to object to it, unless he could show that some ill result had been occasioned by it. The Act of 1869 ought to have a fair trial. He hoped this Bill would be withdrawn, because he believed it would work unsatisfactorily, and cause very great confusion. He begged, therefore, to second the Amendment of the hon. Member for Durham.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Pease.*)

SIR JOHN HANMER said, it would be a great mistake to suppose that the operation of the Endowed Schools Commission had given anything like unqualified satisfaction throughout the country. He trusted that the House would not place more difficulties in the way of the Established Church by passing this Bill, which would enable the Commissioners to extend the benefits of Church of England endowments to Non-conformists and Roman Catholics. The Act of 1869 had produced the greatest dissatisfaction. In rural parishes in his own neighbourhood the greatest apprehension had been caused with reference to small charities that had been enjoyed for two centuries according to the intentions of the founders, by the Commissioners coming down to a great town in the district and threatening that all these small endowments should be diverted from the purposes to which they had been originally devoted, and be made to form part of a fund for the support of a magnificent public educational institution, which they proposed to establish in some central town. Until he had ascertained the objects of the Bill, he entertained the greatest hope that it was a Bill not to enlarge, but to restrict the powers of the Commissioners. The Commissioners had come to the district in which he resided to cast their shoe, as it were, over the whole of it, and make a washpot of every kind of endowment in the rural parishes, for the purpose of establishing another Harrow at Wrexham, in which the shopkeepers, clerks, miners, and colliers in Wrexham were to be taught Greek and Latin at the expense of the inhabitants of all the surrounding humble rural parishes. The trustees of charities that were not devoted to education were told that if they would only be foolish enough to surrender their trusts to the Endowed Schools Commissioners the latter had power to accept those trusts. He knew a clothing charity, the income of which was devoted to the giving of clothing to poor people at Christmas, but if the Commissioners had their way the property of that charity would be devoted entirely to the building of a grand edu-

cational establishment at Wrexham entirely objected to that mode of ministering the Endowed Schools. No doubt the Endowed Schools Act was good in many respects, and would greatly benefit the cause of education judiciously and carefully administered; but if those who were intrusted with administration set up in their enthusiasm schemes for raising education to a higher pitch than it had ever reached in the country, except, perhaps, in Athens, they would spoil the good the Act might otherwise accomplish. (Sir John Hanmer) himself was attached to the principle that the intentions of founders were not to be respected, besides the foundations of kings, nobles and others, there were many cases where "John Jones, labourer," or men in a similar position in life, had left £100 to their own parishes, and it would be unjust to apply those endowments to some other place. The argument that because they sought to maintain these small charitable endowments they therefore wanted to save their own pockets was offensive. [Mr. ACLAND: It is true. At any rate, he did not think there was any intention that under the Education Act such endowments should be swept away. He should have great satisfaction in opposing this or any other measure which proposed to increase the power of the Commissioners.]

SIR CHARLES ADDERLEY said, he thought, judging from the course of the debate, that no hon. Members were likely to support this Bill, except the hon. Mover and Seconder. And even the hon. Mover himself had failed to show that there was anything in his precipitate and premature amendment of a recent Act to remove the abuses he had enumerated. His object seemed to be to make a raid against the general principle of testamentary disposal of property, and against what some persons had called "superstitious will-worship;" and whose argument seemed to be that reverence could best be shown to the dead by entombing their wills as speedily as their bodies. The effect of the Bill would be to prevent persons leaving any more endowments to schools, with any definite religious intentions, and destroy the last vestige of respect for those which already existed. That would be a very serious result, because there was hardly any motive which induced men

to give their property for great national purposes so strong as motives connected with peculiar religious views. And the Bill went still further, for its principles were intended to be of universal application, although such public schools as Harrow and Eton were specially excepted from the Act of 1869. The Select Committee on that Bill was brought to a unanimous conclusion, mainly by the able management of the Vice President of the Council, who presided, and the intention of that Act was as clear as possible. The 14th section, which it was proposed to repeal, provided that no new scheme should interfere with any will or deed made within 50 years of the date of the Act, so that, at least, what had recently been expressed should not be disturbed; and it was also intended that they should depart from the vague method of interpreting wills by inference previously adopted. But the hon. Baronet the Member for Maidstone (Sir John Lubbock), who had entered Parliament since the passing of the Act, proposed to change it within 24 months, and to substitute for a fixed date of non-disturbance a running period, which would produce chronic uncertainty and accumulate litigation for ever. This attack on all specific educational endowments would be welcome by those who wished to do away with denominational schools. [Sir JOHN LUBBOCK said, he had no wish to abolish such schools.] The hon. Baronet's plan for promoting combinations of every species of schools together would have that effect. This Bill was one of those raids against the Church to which they were becoming accustomed. In front of the Church there seemed to have been placed a screen or blind, which was not very effective. It was proposed to sweep into the general scheme the endowments of Quakers and Moravians, which were held to be distinctly private property; and in the same boat with them it was thought the equally private collegiate schools might be quietly swamped. Perhaps the most material portion of the Bill was the proposal to repeal the 19th section of the Act, which provided that no new scheme should interfere with endowments wherever the scholars had been educated upon any particular doctrines or formularies. It was now proposed even to strip them of their speciality. The hon. Baronet ob-

served that, in some cases, the *laches* of trustees might have caused a break in the continuity of such instruction; and what the carelessness of trustees had allowed, the hon. Baronet recommended that the Commissioners should be bound to do. The proposal to combine educational endowments in one, where there was any specific religious character in the instruction, was, in fact, a proposal to secularize all schools in the kingdom. The Bill would strike a blow at the testamentary disposal of property, and even at the law of evidence; it would prevent further endowments of schools being made by any persons with religious views at heart, and destroy the respect felt by the House for any such past endowments.

Mr. WHITBREAD said, the Bill excited great alarm among those whom it affected, and he thought the extension of the powers of the Commissioners would defeat the objects aimed at. He believed that the 50 years' limit was a fair compromise, and that arrangement ought not to be upset. The House had not sufficient experience of the working of the Act. In many agricultural districts and many small towns the people were not yet sufficiently educated to draw fine distinctions between property left for charitable uses and private property, and when they saw endowments handed over to a body of gentlemen sitting in London who were practically irresponsible—[Mr. W. E. FORSTER: No, no!]
—they would imagine that the rights of property were not very sacred. The right hon. Gentleman denied that the Commissioners were practically irresponsible, but a scheme proposed by the Commissioners became law if there was no discussion on it in the House within 40 days after it had been laid on the Table, and what sort of opportunity had the House had this Session of discussing a scheme proposed by the Commissioners? If the Commissioners were not practically irresponsible, let the right hon. Gentleman give the House a day for discussing a scheme proposed by the Commissioners.

Mr. BERESFORD HOPE said, he could testify to the patience and ability shown by the right hon. Gentleman (Mr. Forster), as Chairman of the Endowed Schools Bill Committee, and felt bound to explain that the 13th and 19th clauses of the Act were the result of a compromise. The Act was intended to cure abuses and

to have a plan for a general scheme of middle-class education out of existing endowments for the purpose of utilizing them. But the Bill which his hon. Friend the Member for Maidstone (Sir Stafford Northcote) introduced with the best intentions, to which some local and county authorities were either proceeding or were about to proceed, was not the work of the world, and he did not think the scheme would be improved. He had, Friend had said, no endowments were made in favour of any particular class, where and why should there be any endowment in favour of any particular class? The answer was, that endowments were made in favour of every religious body, and he would believe that the truth of it was overwhelming. He would draw his own experience and that of the Member for Maidstone (Sir Stafford Northcote) as a running period of 10 years. He was one of the managers of a school liberally endowed by his mother for the elementary education of a certain parish in which he lived. It had been in existence 25 years, and in that time he had seen the night 25 years before, have taken from him that which had been a main pleasure and duty of his life. Probably every hon. Member knew of similar cases, and he would ask what there was in the endowment or charitable to disturb such arrangements? If such a measure as the present ever became law, it would be the inauguration of a period of inevitable confusion. His hon. Friend had asked what was the magic in the period of 1869, but was there no magic in a period of contentment? The Bill passed in that year was one of the most complete Reform Bills ever passed, dealing as it did in the boldest manner with vested interests which the Elementary Schools Act of last year did not touch, and being at once creative and reformatory. In the face of that he would ask his hon. Friend to give people a period of rest, a little breathing time, a little space to see how the scheme would work. If that was done the great streams of charity which for many ages had enriched and fertilized English society would still continue to flow, and the spirit of faith which was their fountain and source would still exist, though under it might be, more enlightened influences than those which had in many cases guided its action. At all events, he trusted the

Hon. would show significantly: did not approve this measure.

Mr. AGLAND, who had sat for three years in the Endowed Schools Inquiry Commission, and had also a witness of the fair and candid conduct of the Members of the Commission, wished to say a few words in reply to the hon. Friend the Member for Maidstone (Sir Stafford Northcote), who had said that he had formed this measure with the best intentions, and that it was a divine The hon. Baronet, in his speech at the annual views of the separation of education from religion, which was placed in the same footing as the management of a school, had made out any case for alteration, and had shown that the Commissioners were hampered in carrying out the Endowed Schools Act by any exception which stood in their way. He knew personally that the proceedings of the Commission were so far from exciting the alarm which the hon. Baronet the Member for the Flint Boroughs (Sir John Harmer) had stated had been received in that part of the country which he represented with the general concurrence of all parties, among whom he might mention the Bishop of the Diocese, the Earl of Devon, and the right hon. Baronet his Colleague (Sir Stafford Northcote), as well as many other gentlemen who had long attended to their duties as trustees of schools. Some 60 trustees meeting round a table had reasoned themselves into approval of the Act of 1869, and had agreed to accept the scheme of the Commissioners. It appeared to him that all that had been said by the hon. Baronet the Member for Maidstone, was in favour of the Act of two years ago, and that this Bill would give the Commissioners no assistance whatever. The four schools mentioned by the hon. Baronet, with every detail concerning them, might be brought before the Endowed Schools Commissioners, and they might, as had been said, turn every one of them into a girls' school in the Black Sea. He sympathized with the generous feelings with which the speech of his hon. Friend the Member for Cambridge University (Mr. B. Hope) was instinct, and he thought the question of small endowments was one that should be most carefully considered. He could not sit down without

Mr. Beresford Hope

entering his protest against the tone taken by the hon. Member for the Flint Boroughs, who had talked about an argument as "offensive," upon which he (Mr. Acland) had said that it was true. There were a number of endowments in England which were applied not for the benefit of the poor, but of the rich, and the rich were very fond of fighting their battles behind the shield of the poor. He could put his finger on cases in which the endowments of the poor had been converted to the uses of the rich, and with respect to which he should not perhaps, escape the epithet "offensive" even from hon. Members of that House. He knew himself a case in which the income from the endowment was £270 per annum, and all that came out of it were two primary schools far inferior to those raised by the clergy with the aid of funds provided by Parliament. He admitted there was some fear of the Commissioners treading upon delicate ground when dealing with the smaller endowments; and he most earnestly protested against the notion that to deal with endowments which would save gentlemen from paying their subscriptions, or, if they did not pay, would save their tenants from paying the rate, was confiscation. As to the Commissioners being irresponsible, that certainly was not the case, for they had to submit their proposals to the House, and he earnestly hoped that the fullest opportunity would be given for the discussion of those proposals.

MR. WHEELHOUSE said, that there was one argument which, although it had been incidentally mentioned, had not received, in his opinion, the full weight of consideration during this discussion that it merited. He objected to the doing away, or even to any needless extent interfering with the smaller denominational endowments. He spoke in the interests of the very poor, since it was by means of this class of endowments that education was opened at all to the poorest among those above the ranks of actual pauperism. Something had been said early in the debate about throwing open all such endowments to competitive examination. He objected to that; because just in proportion as they placed the disposal of such endowments in the hands of those who insisted upon competitive examination for everything, so did they interfere

with the prospects and place difficulties in the way of the poor child who was debarred from, or could not obtain, preliminary education sufficient to enable him to undergo the competitive test. Indeed, it had become a question in his mind whether the competitive examination system had not already been overdone, and he was quite convinced that to insist upon it as applicable to the classes of the poor concerning which he spoke, and whose benefit he advocated, would only have the effect of placing many of them in a position at once unfair and unreasonable. In order to enable a child to undergo a competitive examination with any prospect of success, some expense must previously have been incurred by the parents or friends of such child; but it was well known that in many of these smaller endowed denominational schools the child was taken in its earliest infancy upon what might be called "the foundation," and thus received such education as might be given to it. Something had been said in the course of the debate about the desirableness of making a ladder from "the gutter to the University." He feared that the Bill, if passed, might effectually destroy the first rungs of that ladder, and would thus completely prevent any attempted ascent of it by the very class for whose advantage it was idealized. If these small denominational endowments were treated in the manner proposed, where, he would ask, was the child of poor parents to obtain that preliminary education which alone could enable him to compete? It had been said that the hon. Member for South Durham was the representative in that House of the Quakers. However that might be, he (Mr. Wheelhouse) felt a very strong interest in the well-being of a society which had its scholastic establishment at Fulneck, a place equi-distant between the borough represented by the right hon. Gentleman the Vice President of the Council (Mr. W. E. Forster), and the one for which he himself had the honour to sit. The schools of the United Brethren, or, as they were generally termed, Moravians, were conducted in a manner which could leave little to be desired, and everything which had been stated in favour of Ackworth was equally applicable to Fulneck. A good, plain, sound education, based upon the religious principles of the society, was

thoroughly imparted, and it would be the subject of sincere regret to him if any legislation were unnecessarily permitted to interfere with the government of an institution so efficiently conducted. Besides this, if the House of Commons were to be called upon to legislate anew, two years only after a compromise most carefully digested had been effected, the result would be to unsettle and unluke everything so rapidly as to render it utterly useless. It could not be affirmed that the Act which it was now proposed to alter—whether one might agree with its principle or not—was not perfectly just. To show the care and caution which had been brought to bear upon the question during its discussion, he would only ask hon. Members to cast their eyes over the Report of the Committee, and they would be convinced that almost every aspect of the question had been most thoroughly considered, scrutinized, and sifted. Upon what ground, then, was the House now asked to undo the work of that Committee, and the Act founded upon it so far as these two sections were involved? They were sought to be repealed upon the hypothesis that by so dealing with them something would be done to throw all such endowments open to everybody. But he apprehended this would be better effected by keeping the denominational character of the schools clear and pure, than by the proposal of the hon. Baronet. It was true that another hon. Member had characterized this denominational feeling as being allied to what he termed “superstitious will-worship.” But he (Mr. Wheelhouse) took leave to say, that if by the term “superstitious will-worship” was to be understood a respect—or even if you like it, a regard—for the expressed intentions of the founder, all he could state was that he (Mr. Wheelhouse) was old-fashioned enough to participate very largely in such feelings. He believed that the knowledge held by a testator in this country that he could endow a school, impressed with the seal of his own denomination, did preserve, and that to a large extent, the current of benefactions. In proof that the Endowed Schools Commissioners had, or at any rate thought they had, by virtue of the Act as it now stood, ample powers to deal with the larger foundations, there was at that very moment on the Table of the House

Mr. Wheelhouse

a scheme with reference to H. Without saying one word in regard to his views as to that particular scheme he might observe that everyone the foundation of John Lyons is strictly denominational, and he believed generally speaking, that it would found, as time went on, a spirit of liberality pervaded all such institutions and that as occasions and necessities arose they would invariably be remodelled, so as to adapt themselves to requirements of the age. But, after he was particularly anxious once more to impress upon the House the fact that there was a class of children who received their primary education from the smallest of these foundations, and would be far greater injury to that class to have such foundations dealt with in the manner proposed by this Bill than it would be to leave them altogether alone.

LORD EDMOND FITZMAURICE said, he wished to say a few words in support of the Bill, because the voice of not a single hon. Member who had spoken in the course of the debate, except that of the hon. and learned Member for Frome and the hon. Mover, had been raised in its favour. The principle which lay at the root of the measure was one which of late years had been repeatedly acted on in that House; it was the principle of dealing with corporate property for the public benefit. That principle lay at the root of the Irish Church Act, of the Bill which his hon. Friend (Sir John Lubbock) proposed to amend, and of the measure for the abolition of University Tests which was about to become law; and he was therefore surprised to find its rejection moved by an hon. Member sitting on the Liberal side of the House. He was astonished to hear the argument which had been used in regard to corporate property in land after what had occurred in recent years. He had often seen it urged that there might be another class of exceptions—that where the trusts had been faithfully fulfilled, there was a fair ground for exception. He did not deny that there might be such exceptional cases; but there was nothing in this Bill to prevent the Endowed Schools Commissioners from treating these exceptional cases in an exceptional manner. He thought that many of the objections made to the Bill were simply made because hon. Members had not given

much attention to it, and had not a very adequate idea of what its objects were. The object of the promoters of the Bill was simply to ask the House to say that these collegiate, University, Quaker, and Moravian schools should be treated in the same manner as any of the other schools that came under the operation of the Endowed Schools Act. In the interests of religion itself, nothing ought to be allowed to interfere with the improvement and progress of education, especially in the primary and middle-class schools, and it was time that Parliament made up its mind on the subject. He, however, did not understand the position taken up by the hon. Member for Durham (Mr. Pease), and other hon. Members. Yesterday the University Tests Bill was practically passed by Parliament, and the principles of this Bill were the same as the principles of that. But he hoped that on this, as on other questions, the Bill of a private Member might become the Bill of the Treasury bench, and the minority of to-day become the majority of to-morrow.

MR. W. E. FORSTER said, he must deny that there was any analogy between this measure and the University Tests Bill, which, to his great satisfaction, had been practically passed in "another place." There was this great difference between the two cases—in the case of the Universities the Government regarded them as national, and wished to see them nationalized; but the exceptions in the Endowed Schools Act of 1869 were made because they referred to certain schools which did not belong to the public, and which it would be unfair to give to the public. The hon. Baronet the Member for Maidstone (Sir John Lubbock), who introduced this Bill, had shown the abuses which the Act of 1869 was intended to remove, and had mentioned several instances as illustrative of abuses which still existed. But not one of these schools so mentioned by the hon. Baronet would be affected by the present Bill. He had regretted that the hon. Baronet was not in the House at the time the Bill was being discussed, and he was reminded of his regret when listening to the hon. Baronet this morning, because if he (Sir John Lubbock) had been in the House at the time he would not only have given an eloquent support to the Endowed Schools Act, but would have seen the reason for the course

then pursued. He had remarked that the schools to which reference had been made were not excepted from the operations of the Endowed Schools Act; and it happened that the Commissioners were quite able to deal with the dress of the boys at Christ's Hospital if they chose, without further powers. This, however, was a small matter; he was not against the dress personally. Many persons believed that the boys were proud of it, and that, considering the temptations of the town, it might be desirable to maintain it. Passing to the Bill of the hon. Baronet, he said the Commission would rather be hindered than otherwise by any change in the term of years, because an alteration in this direction might necessitate a supplementary arrangement in the case of constitutions agreed on this or last year, and it was therefore advisable to adhere to the original date. The exceptions the Bill proposed to repeal were those relating to the cathedral schools and the schools of Quakers and Moravians. The hon. Baronet had said he was astonished to find these schools were exempted from the Act; it was his statement, however, that was surprising, because these schools were not exempted so far as regarded their teaching, the exemption relating solely to the constitution of the Governing Body. The case for excepting the Quaker and Moravian schools was very clear, and rested upon this—A school mainly supported by subscriptions from an existing body for the education of members of their body, but which happened to have some endowments added to it, while remaining subject to the central educational authority, under the direction of Parliament, as to providing a better quality of education, should be allowed to remain in the hands of that body. The noble Lord the Member for Calne (Lord Edmond Fitzmaurice) had said that the minority of to-day would be turned into the majority of the future; but he (Mr. Forster) maintained that, so long as the Government permitted denominations to make arrangements for the education of the children of their members, the Governing Bodies of these schools should consist of members of the denomination to which they belonged; for instance, it would be unfair to oblige the Quakers' schools to receive among its governors those who were not Quakers. It was

upon this principle that Parliament acted in dealing with the Endowed Schools Act, and any other course would, in fact, be giving to the whole community that which was provided by and only intended for a part, and no one could say there was any justice in acting in that manner. As regarded the cathedral schools, he denied that the conclusion arrived at was a compromise. An alteration had been made in the original Bill, but it was made in the direction desired by the hon. Baronet. As originally introduced, the Bill excluded the cathedral schools altogether; but an influential deputation interested in these schools desired that they should be included, not because they wanted the government taken from the Dean and Chapter, but because they wanted the assistance of the Government and the Commissioners to help them in improving the education at these schools. Their desire was complied with, and that assistance had been given. The schools which were exempted under the subsection were, in fact, not public schools within the real meaning of the term, and it could not be right to take hold of their Governing Body and by that means throw them open to the whole country. With regard to the 19th section of the Act of 1869, which the hon. Baronet proposed to omit altogether, that section followed two or three clauses which affected religious instruction in schools acknowledged to be public schools, and defined the different classes of schools. The hon. Baronet objected to the terms under which the schools were defined in the 19th section, and though he (Mr. Forster) did not hold the definition up as perfect, he did hold it up as one that had received the utmost discussion, and which it would not be just to upset so soon after it had been settled. No doubt it would be easier for the Commissioners and the Government to reform the endowed schools if there were no section 19, and if they could take all schools as public schools, without having to consider which were public and which were not; but they had to deal with facts as they existed. The definition of the 19th section excluded from the position of public schools those schools which had had a special denominational character attached to them by their founder, and which character had remained attached to them down to the

Mr. W. E. Forster

present time, and that seemed to be a perfectly fair definition. The proposal of the hon. Baronet to refuse to acknowledge the right of a man to make endowments for the special instruction of a part of the community, and to divert special endowments to the use of the general public, was not in accordance with his notions of justice; the principle involved in such a proposal was very different from that involved in the Endowed Schools Act. The promoters of the legislation of 1869 found that it existed throughout the country a number of public school endowments intended for the public which were either misused or altogether taken from the public, and they wanted to see that they were used aright in the one case, or given back to the public in the other. This was very different from taking endowments not intended for the public and handing them over to the public entirely. The hon. Baronet had a common object, and that was to get an effectual reform; but he asked the hon. Baronet whether on grounds of prudence it was wise so shortly after the Commission had been set to work to alter the law under which they were appointed. The Royal Commission was appointed in 1869; the Bill based on its Report was referred to a Select Committee, and very long discussions upon the matter ensued. Great differences of opinion were expressed because every interest was represented, and there was no doubt that no measure had been passed in years in which all interests concerned were so fairly considered. The exception which had been made he considered a just arrangement, and in consequence of that just arrangement the Bill passed the Commons unanimously; the Royal Commission was now at work, and he asked the hon. Baronet whether it was prudent, to say nothing of fair, to disturb the law regulating their labours before they had got thorough work? The Commissioners were deciding very important questions, how far certain sections should go, and it would be most unwise to alter the terms by which they had been going hitherto. Besides the inconvenience to the Commissioners, a change after so short a time would detract from the stability of the measure and the respect which an Act of the Legislature should be regarded. As the Department

which he was connected would have the duty of carrying out the decisions of the Commission, he spoke with some concern upon the subject, because any change now made would materially increase the difficulties connected with the work of the Department, and proportionately obstruct Public Business. Under these circumstances he trusted the hon. Baronet would see the force of the practical objections he had raised and not divide the House.

MR. VERNON HARCOURT said, it was no use in crying over spilt milk, and it was too late to deplore the language and argument which now, he was sorry to say, they habitually heard from the Treasury bench, and, unfortunately, from his right hon. Friend who had charge of these questions. The speech of his right hon. Friend was an excellent one, but it would have been more consistent if it had come from the Opposition. ["Oh, oh!"] Hon. Members cried "Oh," but unfortunately it was too true that speeches from the Treasury bench of late were usually applauded by the Opposition. That was their experience last Session, and that accounted for the not very encouraging condition of the Liberal party in the country. His right hon. Friend had defended, not the Bill of last Session, but the exceptions contained in that Bill, which were unwise concessions made by the Government to the opposite side of the House. How did his right hon. Friend say these exceptions came in? He (Mr. V. Harcourt) regretted to hear that it was in order that the Bill might pass unanimously.

MR. W. E. FORSTER said, he had made no such statement; he had spoken of the "concessions," as the hon. and learned Member described them, as a just arrangement, and had remarked that, in consequence of that just arrangement, the Bill passed unanimously.

MR. VERNON HARCOURT had understood his right hon. Friend to say that those concessions had been made as a matter of prudence, and that unless that had been done the Bill would never have been passed by the House of Lords, but that was not an argument that should be addressed to the House of Commons. The House of Commons had nothing to do with the question whether a Bill would be carried in the other House. But suppose there had

been an endowed school, whose endowment was to be applicable to a particular county or parish, would his right hon. Friend say that the Endowment Bill of last Session would not be applicable to it? He (Mr. V. Harcourt) held that the Bill would apply to it. What the Bill really did, and the concession which a Liberal Government really made, was this—that no school should be meddled with which was of a religiously denominational character. He was entirely at a loss to understand how his right hon. Friend distinguished this Bill from the University Tests Act. Were the endowments of the Universities not destined to a particular part of the nation? They were certainly specially destined, and therefore his right hon. Friend's assertion that no endowment of a particular part of the nation could be dealt with was unfounded. The true principle was that while you did not allow any individual to affect private property beyond a limited period after his death—namely, a life in being and 21 years afterwards—you should adopt a similar rule with regard to property destined for charitable and religious uses, and say that such property should not be tied up for ever, regardless of what changes might meanwhile be made in Church and State, but that the uses for which it was destined should be liable to review after the lapse of 50 years. That was the principle of the Act of 1869, and the principle was as sound now as it was then. A founder ought to be presumed to desire that his endowment should be as useful 50 years after his death as it was at his death. At the latter period he might be the best judge of what was best; but he could not be the best judge 50 years afterwards, and it was not to the advantage of the public, or of any class of the community, that you should stereotype for ever the ideas of a person who lived 50 years ago. When they asked that a principle so reasonable, sanctioned by the House two years ago, should be adopted now, he confessed to a feeling of surprise that it should meet with opposition from a Liberal Government. It was true the Government were supported by some Liberal Members, but by whom? By the hon. Member for Durham (Mr. Pease), who was a "chartered libertine" in education, for the interests of his particular denomination were protected

by a sub-section in the Act of 1869; by the hon. Member for Bedford (Mr. Whitbread), whose motive he would not discuss, for the peculiar circumstances of his town made it natural that he should resist interference with endowed schools; and by the official representative in that House of the Ecclesiastical Commissioners (Mr. Acland). That was the combination of Liberals with Conservatives by which the Bill was to be defeated, and it was well that such a combination should be understood. The hon. Member for the University of Cambridge (Mr. B. Hope) had called upon the House not to shake men's confidence in posterity and in the fixity of endowments. After what had occurred within the last few years, the hon. Member must have greater faith than a grain of mustard seed, or else that faith must have been sorely shaken. But he was not surprised at the line taken by the hon. Member. What surprised him were speeches from the Treasury bench, which, if one shut one's eyes, might be supposed to come from the other side of the House. "Give us a little rest," said the hon. Member. Such an appeal from a Conservative was natural. The Conservatives were the party of rest, and it was a good thing that there should be such a party. But the Liberals did not profess to be a party of rest; they were the party of progress; and it was remarkable, therefore, that Liberal Members should be lectured by a Liberal Government, and told that they should rest and be thankful for measures passed some years ago. The tactics of the Ministry seemed to be these—When a considerable measure was under discussion, they told Liberal Members below the gangway—"Better take what you can get. You can amend the Act afterwards. For goodness sake, don't divide now!" Afterwards they said, as in this case—"Don't disturb the settlement!" In that way all the principles of the Liberal party were disappearing. Although no doubt existed that the supporters of the Bill would be beaten, he trusted that the hon. Baronet the Member for Maidstone would press his question to a division, for they would be beaten in asserting the true principles of the Liberal party; they would be beaten because the Liberal Government would be supported mainly by hon. Gentlemen opposite. They were

sent there, however, not for the purpose of voting in majorities, but for the purpose of asserting principles which believed to be sound and true, and time would come when those principles would be accepted and acted upon by the Liberal party in Parliament.

Mr. GATHORNE HARDY said hoped when the time came for the Liberal party to assert those principles, the first of the Liberal party, who had just pronounced so spirited an allocution, would be at the head of it. It was not for him to defend the Treasury bench from its attacks, but the hon. and learned Gentleman (Mr. V. Harcourt) had made a number of assumptions which seemed open to considerable doubt. Like some other hon. Gentlemen, he said "we, the Liberal party," as though the country was at his back. That reminded him of the answer made the other day by a child at one of the London schools. The child was asked where the wind came from, and at first replied "from the country," but immediately afterwards said "from the windmills." In the present instance the windmills fancied that they were the country, and that the wind all came from them. The hon. and learned Gentleman had sent a great blast against the Treasury bench. He (Mr. G. Hardy) wanted to know when the new principle was set up, that whenever there was a new argument advanced by the Government, some one was to get up from below the gangway and blame those above it with having sold themselves to the Conservative party? Every interest had been represented in the Endowed Schools Commission, and he could not admit that right hon. Gentlemen on the other side of the House had made any concession with reference to the Bill of last year. What had been granted had been admitted by the President of the Council to be merely an act of justice. Was it to be endured for a moment that enormous schools like those of Mr. Woodward, established for the benefit of a particular class as defined by their religious creed, should be subjected to changes in their Governing Body, upon the constitution of which the whole scheme was based? He admitted that endowments of which the nation was properly the trustee might undergo review, and that endowments should not be allowed to be used against public policy. It was not now necessary to examine how far this doctrine should be carried, but

Mr. Vernon Harcourt

in this particular instance the State was in no way precluded from interfering for the due regulation of the education given in these schools. As to the limit of 50 years, did the hon. and learned Gentleman want this country to be governed by a perpetual Commission, going about seeking what it might devour, after a foundation had lasted 50 years? Such a proposition was absurd and irrational. He would only say that he did not think the hon. and learned Gentleman could be accepted as the representative of Liberalism. Everything illiberal and intolerant which had been attempted to be forced on the religious part of the nation came from that part of the House where he sat, and at the head of those who had attempted to force that illiberality was the hon and learned Gentleman.

MR. RATHBONE said, the reason he supported the Bill was because it would effect an improvement, the need of which had been practically experienced, particularly in the case of many of the smaller endowments throughout the country.

SIR JOHN LUBBOCK, in reply, said, he was informed by those best qualified to form an opinion, that there was no large town in which these endowments existed in which the inconvenience of the clauses now sought to be repealed was not practically felt. As to large schools like those of Mr. Woodward, they would not be touched by the Bill. He believed the time would come when the principle of this measure would receive the full support of the Liberal party.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 64; Noes 222: Majority 158.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

MEDICAL ACT (1858) AMENDMENT BILL.

(*Dr. Lush, Mr. Mundella, Dr. Brewer.*)

[BILL 72.] SECOND READING.

Order for Second Reading read.

DR. LUSH, in rising to move that the Bill be now read a second time, said, he must explain the circumstances attending the withdrawal of the Bill of last Session, by stating that it was in no

respect satisfactory to the profession generally; and since the Government had declined to bring forward a measure this Session, in consequence of the pressure of Public Business, therefore he had brought in the present Bill. The hon. Member for Leitrim (Mr. Brady) had also introduced a similar measure, so that there were two Bills now before the House. No doubt he (Dr. Lush) brought forward this Bill from a professional point of view; but the interests of the public and the profession were intimately blended together. About 50 years ago considerable alteration was made in the mode of licensing medical men, and by the Act of 1858 a general Medical Council was nominated; but in its nomination the rights of the medical profession were ignored, because the members of the profession had no influence in that nomination. The Council, further, did not possess the confidence of the profession; and really their only power was to tax members of the profession for inserting their names in certain books. That taxation they had exercised to the amount of £60,000, extracted from the pockets of the medical profession, without giving any corresponding advantage. The present Bill was not of his own framing so much as the result of considerable thought on the part of medical men engaged in teaching and in medical literature. The first principle of it was, that the existing Council should be abolished, and the second, that the members of the Council elected in their place should be fewer. Not only was the change to affect the number, but the origin from which they were to spring. The Council under the Bill would be in number 12, instead of 24, and four would be nominated by the examining bodies, four by the Crown, and four by the great body of the profession. The third, and last, provided that before any medical man could practise he should pass one particular examination, representing the minimum of qualification, instead of their being, as at present, 19 examining bodies. Some of the examinations now passed were of a most inefficient character. There were anomalies in the present system; and what reason could there be, he would ask, why the University of Durham, for instance, should have the right to send a representative to the Medical Council? He believed that the standard of medical education

had been considerably raised of late years; but there was still great room for improvement, which, he thought, would be likely to continue, so long as the present very inadequate examinations were suffered to exist; and for that reason, if for no other, he trusted the House would consent to give a second reading to the Bill he now proposed.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Dr. Lush.*)

Mr. JESSEL said, that the present Bill differed in a most important respect from the Government Bill of last year, which did not propose to put into the hands of the Medical Council, however elected, the right to nominate the Board of Examiners, without any security against an abuse of the power. The Bill, in fact, proposed a monopoly of examination, and all monopoly was objectionable; but if it were created, care should be taken to prevent it leading to a position of stagnation. The Bill defined in a positive manner what the examiners were to do, without having regard to the natural progress of science and learning, for an expansive and improvable system was not provided for by the Bill. Many medical men said that there was no confidence in existing examinations; and, indeed, there had been a competition downwards, so as to secure as large a number of persons as possible for examination. In some instances, also, the examiners had a pecuniary interest in the number of candidates passing the examination. Both these things were undoubtedly evils, and were only to be guarded against by making the examinations sufficiently stringent and by preventing the examiners from having a pecuniary interest in the result of the examinations. No doubt the examinations had in modern times been much improved; but what was wanted was a security for progressive improvement in examinations. The moment that you got only one examining body you would lose the probability of obtaining such improvement. He thought that the examiners should not be appointed by the body which would have the control over the examinations of the other medical corporations. If such were the case students would say that these other examinations were controlled by a body

Dr. Lush

which had an interest in preventing persons from entering the medical profession except by passing their own examination. The cardinal point was to secure a thorough examination, and one that would be fair to all; and, above all, the examining Board and the controlling Board should not be composed of the same persons. He thought, too, that no course of study should be compulsory, but that the examination should be so managed as to test the qualification to practise, and that if this were done, it would become immaterial whether the candidate had, or had not, attended certain classes or institutions. Such a system would lead to perfect freedom of teaching, and he believed that great improvement would follow.

Dr. BREWER said, that he must confess to a feeling of astonishment at the strange misconceptions which the hon. and learned Gentleman the Member for Dover (Mr. Jessel) appeared to entertain on the objects contemplated by the Bill brought in by the hon. Member for Salisbury (Dr. Lush). The hon. and learned Member for Dover charged the promoters of the Bill with the design of perpetuating the abuse whereby the 19 Universities or corporate bodies, who had the legal power of granting degrees and licences to practice in medicine or surgery, were all found competing with each other for candidates; and he rightly attributed to the pecuniary interest involved in securing the largest share of students, a direct inducement to lower the standard of efficiency demanded for obtaining a degree, and thereby lessening the security of the public and depreciating the test which an examination ought to supply. He (Dr. Brewer) could hardly account for the wondrous misapprehension of the object and scope of the Bill which this representation exhibited. Surely the hon. and learned Gentleman had omitted to read the Bill, and had so fallen into the error of attributing to it the very blots of the Act of 1858, at which the Bill before the House aimed, and which it was the special object of its promoters to remove. It had become patent that the actual constitution of the Medical Council was too restricted, and that the unrestricted competition between licensing bodies for the fees and the patronage of students was dangerous to the future success and advancement of me-

dical science, no less than unsatisfactory to the great body of practitioners throughout the country. It was patent that the Council had failed to regulate and control this state of things, and whether the defects were wholly attributed to the constitution of the Council or not, the medical practitioners of the country generally believed that a re-modelling of that body would be required in order to make it harmonize with the other provisions which must form the subject-matter of any good Medical Amendment Act. The Bill provided that the Council should be diminished in number, and that whilst the Government should be empowered to nominate one-third, the old corporations should be represented more as a body of mixed constituencies than by individual representation. But the chief modification in the constitution of the Council would be found in the provision for the direct representation of the medical practitioners throughout the United Kingdom. The hon. and learned Member for Dover rightly apprehended that his suggestion to trust simply to any examination as the test of knowledge, without taking cognizance of the educational training of students, whether that training were picked up in by-lanes and in a helter-skelter manner, or in obedience to a prepared and well-considered system, would not meet with the concurrence of the profession generally, and he (Dr. Brewer) would take leave to point out to the hon. and learned Member one of the most obvious reasons for this dissent. The science of medicine was not a certain science. It was unlike chemistry, astronomy, and mathematics, and it formed one of a group of uncertain sciences, requiring more of the individual and affording less assistance from positive knowledge than any of the certain sciences supplied. Consequently the instrumentation of the mind—so to say—the excellence of the result of training on the individual was of greater consequence than any mere technical knowledge or special train of facts. The reliability to be placed in the medical practitioner arose far more from the flexibility of his mental operations, the use he had of the processes of thought, the exercises of his mental faculties, than on any mere glibness in answering medical queries, or even in knowing the physical framework, or symptoms of morbid

structures of the body. It was, in fine, the instrumentation of the mind rather than the mere knowledge of facts which made a great physician. Therefore, it was of no slight and secondary consequence that a good course of study and a competent body of professors and teachers should form a prominent part in any scheme which aimed at elevating the standard of medical education. He was not sanguine enough to believe that the Bill before the House would or could pass as it stood. He was not prepared to say that there were not some serious defects, and more serious omissions in its provisions; but the object the promoters of the Bill had in view, was to pass the second reading with the express understanding that it should subsequently be referred to a Select Committee upstairs, where evidence might be invited into the undoubted defects of the law as it existed—into the proposed constitution of the new Council—into the best method of forming an examining board—into the nature of inspection required to secure a due care in conducting the examination, and, in fine, to show by what modification of its provisions, or by what additional precautions or suggestions, material might be collected for the preparation of a Bill for medical reform, which should secure what the hon. and learned Member desiderated—that which the Government Bill of last year failed to assure—and that which must be the common aim of the promoters of this Bill and of all earnest medical reformers, a better supply of competent practitioners, through the means of a higher standard of excellence in medical study and medical examinations. If the hon. and learned Member were sincere in his deprecation of the abuses to which he pointed, and desired the reforms which he had suggested, he would undoubtedly succeed in both these objects far better by sending this Bill to a Select Committee upstairs, than by the course, which through misconception of the aims of the Bill, he had foreshadowed.

DR. LYON PLAYFAIR: The cognate Bills of the hon. Members for Leitrim (Mr. Brady) and Salisbury (Dr. Lush) have a double purpose—they aim at reforming the constitution of the Medical Council, and they desire to give a national security for the theoretical and practical knowledge of licentiates in

medicine. Their purposes are not new to this House, for it is now a period of 40 years since our attention was first directed to the subject-matter of these Bills. After numerous and vain attempts at legislation, the Act of 1858, founded on compromises, was passed. By that Act the Medical Council was instituted, its object being to enable "persons requiring medical aid to distinguish qualified from unqualified practitioners." Its primary object, as thus defined, was for the protection of the public, and yet, by an anomaly, the public were not called upon to pay for their own protection, but the expense of working the Act was thrown upon the very qualified practitioners, against whom the public required no protection. Such an Act could not work without friction. The general practitioners of the country, on receiving the licence to practice, were taxed for the support of the Medical Council, on which, in defiance to all principles of taxation, they were not directly represented. The Council was composed of representatives of medical corporations and Universities. The representatives are selected by their executive Governing Bodies, and not by the licentiates or graduates, as they might even now be without new legislation. In the fact that the only entrances into the medical profession are through 19 portals leading out of the medical corporations, there is a slight, though not a popular, representation of the licentiates of medicine. But if, as these Bills propose, all these corporation portals are to be closed and entrance to the profession is only to be attained by a single portal, guarded by a national board, or by three portals of a like kind, every kind of representation, close or open, is cut off between the future licentiates and the Medical Council. My hon. Friends have seen this, and have been forced by this circumstance to include in their Bills two objects of a different character. The constitution of the Medical Council is one thing; the mode by which the qualifications of medical practitioners is to be ascertained is another. Both subjects were important; but each is so large and affects so many existing interests, that it would less encumber the path of medical reform if they were dealt with in separate Bills. At all events, past reformers have been unable to secure such support for both subjects as to en-

able them to carry their measures. Even Government last year found the necessity of asking our attention to one part of the question—the admission of licentiates—leaving the constitution of the Medical Council for future consideration. I feel the difficulty even in addressing the House. I cannot resist, and have no desire to resist, the claims of the medical practitioners to a direct representation on the Medical Council, and I even grant that they should have a preponderating representation upon it, so long as they are taxed for its support; but it is a question of public policy whether they should be so taxed. The Medical Council is primarily established—not to protect members of a profession in their class interests, but to protect the public from unskilled medical practitioners. If the protection of the public be the real *raison d'être* for this Council, its expenses should be borne by the public and not by the profession. But if this be done, then the constitution of the Council should have more of a public and less of a professional character. In such a case there ought to be a lay element in the Council, because the representation of public interests becomes a more important question than the representation of professional interests. The latter should, no doubt, be represented also, but in a subordinate degree to that which they have a right to ask as long as the cost of the Council is met by the taxation of new entrants into the profession. There are other important questions involved in this part of the subject, to which I can only allude. One is, how much or how little representation should be allotted to the medical corporations and the Universities. The two Bills before us treat this part of the subject in a very different fashion; the Bill of the hon. Member for Leitrim (Mr. Brady) leaving the representation of corporations in its present position, while that of the hon. Member for Salisbury reduces it to very diminutive proportions. My own feelings are in favour of an efficient representation of the corporations. I think they have acted beneficially on the recognition of medical men as a distinct and independent profession. Without them there would be as little coherence and as little *esprit de corps* as there is among officers of the mercantile navy, who, though all certificated men, want

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centres of junction to make them a recognized profession, and to give them the strength of combined unities. Any scheme of medical reform which weakens these bonds of union, I feel satisfied will weaken the influence of the profession as a whole. I have said enough to show that there are large and leading principles connected with the constitution of the Council that require careful consideration, apart from the other subject embraced in the Bills before us—the securities for the proper qualifications of medical practitioners. There is no doubt that there is a need of reform here also; less need, indeed, than when the agitation for it first began, because the effect of that agitation has been to force upon some of the examining bodies the necessity of ascertaining the practical and clinical knowledge of the candidates, both in the arts of medicine and of surgery. Still the main fact remains that there are 19 licensing bodies in the kingdom, with from 12 to 20 examiners to each, and it is impossible with such a number to prevent a certain amount of competition for candidates, or to obtain sureties that the standard of qualification will never be below a certain minimum. The two Bills before us treat this evil in two different ways. The Bill of my hon. Friend the Member for Salisbury (Dr. Lush) proposes that there shall be a single national examining board, peripatetic in the three divisions of the kingdom; whereas the Bill of my hon. Friend the Member for Leitrim (Mr. Brady) intends that there shall be three national boards—one for England, a second for Scotland, and a third for Ireland. It does not follow that because 19 licensing bodies are too numerous, that therefore they should be reduced to one. I prefer the scheme of three national portals to one portal, for reasons which seem to me to be weighty. At present the examining bodies in the three capitals enjoy the services of the most distinguished members of the profession. As long as you have an examining board, with its work circumscribed to one part of the kingdom, you may continue to enjoy the services of the chief members of the medical profession in testing the qualifications of the licentiates; but if you have a moveable board, oscillating between distant points, you cannot secure the services of men whose great experience in a practical

profession best fits them for performing the duties of examiners. I do not say that you could not secure the services of competent examiners, but they would necessarily be men of less position and experience than are now on the examining boards, and would be less calculated to inspire public confidence in their judgments. Besides, an absolute uniformity in examination is not desirable. Differentiation is as important in science as it is in the structure of organized beings. England, Scotland, and Ireland have always been characterized by the differences of their medical systems of education, and by differences in the practice of the arts of medicine and surgery. These differences, though sometimes leading to fierce professional contentions for a time, have redounded to the advancement of medicine. I should lament to see the characteristics of these schools merge into the sameness which must necessarily be produced by a single examining body; for just as ships must adapt themselves to the character of the harbour into which they are to sail, so must schools suit their students—to the knowledge and peculiarities of their examiners. The very differentiation of the three national boards is a great recommendation of them to my mind, and securities could readily be taken that a certain standard of knowledge should prevail in all, without a definite sameness of knowledge that would merely indicate success in the art of cramming. But whether you have three portals or one portal for licence to practice, such limited entrances must always aim at excluding the inefficient and yet admitting the moderately competent. You may by them exclude the incompetent and assure a respectable mediocrity in the profession, but you cannot by such means give an active stimulus to excellence. There are, therefore, behind this scheme many important questions which we cannot treat lightly. Do we by it injure or strengthen the Universities and medical corporations in inducing members of the profession to seek higher titles than licentiates, and thus always secure among medical men a class distinguished for literary and scientific attainments, and for high skill and prolonged experience of their profession? If your scheme fail to do this you bring down the profession of medicine to a dead level of respectable mediocrity. Take the division

of the kingdom with which I am best acquainted. In Scotland, the three Universities of Edinburgh, Glasgow, and Aberdeen educate about one-third of the whole medical men of the kingdom. Drawn within the walls of a University the medical students become imbued with the spirit of its teaching, and enlarge their studies in science beyond the mere prescribed curriculum of a medical education. Will these Bills encourage or destroy those University teachings for medical students? Will they weaken or strengthen the Universities as sources of national education for the people, by crippling or augmenting their resources? These are grave questions as affecting the public interest, and especially grave to me, who represent the largest medical school and medical constituency in the kingdom. I do not intend to discuss them now, for I cannot think that my hon. Friends propose to push these Bills through their various stages at this late period of the Session. My own constituents certainly do not believe that the time for actual medical reform has been reached in these efforts of two private Members. My right hon. and learned Friend the Member for the Universities of Glasgow and Aberdeen (Mr. Gordon), and myself certainly possess the largest medical constituencies in this House; but with the exception of a single letter, which was in answer to one from myself, I have not received any communication in regard to either of these Bills. Is this because medical men are indifferent to medical reform? Certainly not that. There is very nearly unanimous feeling that changes are required in the mode of licensing medical men, and in the constitution of the Medical Council. Nor is it because the Bills before us are unworthy of attention. Both of them are well-considered Bills, and present their own views with care and elaboration. But the indifference to their fate depends on the fact that they aim at reforms beyond the power of private Members to effect. If the medical graduates of my Universities, amounting to several thousands, believed that medical reform depends on the fate of these Bills, my life would be a burden to me in the amount of correspondence which it would entail. My complete immunity in this respect is owing to the belief that Parliament, while it treats these Bills with the respect due to well-considered mea-

asures, will not pass them into law. I trust that my hon. Friends will be content to consider their Bills as indications to the Government of the paths which they may pursue in medical reform. The Government alone can deal with a subject so important to public interests. They are perfectly aware from the 40 years' war on this subject, that much reform is needed, but that in making it great evil as well as great good may ensue. The interests of the public and the interests of the medical profession can be best brought into co-relation by the aid of a Government having no prejudices or passions created by professional contentions, and whose only object can be to give the public security for its health and life, and to the licentiates and graduates in medicine that status which will be assured by the possession of high scientific and skilled practical knowledge of their profession.

Mr. W. E. FORSTER said, there were two points for discussion—one, as to the mode of examining and certifying medical practitioners, and the other as to the constitution of the Medical Council. With regard to the first point the Government entirely appreciated its great importance. They were aware of the very great practical evils that resulted from there being 19 accredited bodies for certifying medical practitioners, but they had been unable to deal with the question this year. That had led two private Members to bring in Bills on the subject, but neither could hope to pass his Bill during the present Session. From the number of questions pressing on the Government for legislation, he could not pledge them to bring in a Bill next year; but he could assure hon. Members that it was their wish and anxiety to do so. If they were unable to deal with the subject next year, and if any private Member, such as his hon. Friend the Member for Salisbury (Dr. Lush) or any other, took up the subject, no obstacle would be thrown in the way of the fullest consideration of it by the House; and if it was desirable the Bill might be referred to a Committee upstairs. Legislation had failed last year because, although the Bill which had been introduced into the House of Lords had been most carefully considered, it had been thought desirable, when the Bill came down to that House, to add to the questions they were then attempting

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to settle the other question of the constitution of the Medical Council, and it was then too late in the Session to deal with that subject.

MR. BRADY said, there were at present 19 different medical examining bodies, 19 modes of medical licensing, and 19 different systems of medical education. The Bill proposed to reduce these to one for Ireland, one for Scotland, and one for England. It would not be easy to decide the question in the present Session; but he trusted that the Government would early next year introduce a satisfactory measure on the subject.

SIR JOHN GRAY said, he must express his gratification at the announcement that the Government would consider the subject during the Recess, with a view to grappling with it in the next Session.

DR. LUSH said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

METROPOLIS WATER (NO. 2) BILL.

Select Committee on the Metropolis Water (No. 2) Bill *nominated*:—MR. BRAND, SIR MICHAEL HICKES-BRACH, SIR JAMES LAWRENCE, MR. GOLDNEY, MR. CAMPBELL, and Five Members to be added by the Committee of Selection.

GLASGOW BOUNDARY BILL.

On Motion of The LORD ADVOCATE, Bill to determine the Boundaries of the barony and regality of Glasgow for the purposes of Registration, *ordered* to be brought in by The LORD ADVOCATE and MR. ADAM.

SASINES REGISTER (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to facilitate the keeping the General Register of Sasines for Scotland, *ordered* to be brought in by The LORD ADVOCATE and MR. ADAM.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 15th June, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Courts of Justice (Additional Site)* (182); Oyster and Mussel Fisheries Supplemental (No. 2)* (183); Ecclesiastical Titles Act Repeal* (184); Landlord and Tenant (Ireland) Act, 1870, Amendment (185).

Second Reading—Union of Benefices (155), *negatived*; Gas and Water Provisional Orders Confirmation* (162); Burial Law Amendment* [126]; Public Health (Scotland) Act (1867) Amendment* (148).

Committee—Betting* (129); Pier and Harbour Orders Confirmation (No. 1)* (127).

Committee—Report—Marriage Law (Ireland) Amendment* (135).

Report—Citation Amendment (Scotland)* (177); East India Stocks (Dividends)* (178); Postage* (179).

Third Reading—Pharmacy* (153), and *passed*.

LANDLORD AND TENANT (IRELAND) ACT, 1870, AMENDMENT BILL.

PRESENTED. FIRST READING.

LORD CAIRNS rose to ask their Lordships to give a first reading to a short Bill which had for its object to remove certain doubts that had arisen with regard to the effect of a certain portion of the Irish Land Act passed last year. The occasion of this Bill had arisen out of certain observations which on Tuesday evening last had been imputed to the learned Lord Justice of Appeal of the Land Court. However, after the contradiction given to the language reported to have been used, he would not refer to it in detail. The two questions which had been raised with reference to the Act were these:—First, it had been doubted whether the rights intended and supposed to be given by the Act to tenants by the Ulster tenant-right had been really and effectually secured to them by the wording of the Act; and, secondly, whether in the case of property sold in the Landed Estates Court, and subject to these tenant-rights, the rights of the tenant might not be jeopardized and lost altogether by the effect of the conveyance by the Court, unless these rights were specifically noticed and reserved on the face of the conveyance. Now, as to the former question, there could not be the least doubt that the Act intended to secure these rights to the tenants; and, moreover, claims were made under the Act very frequently, they had been repeatedly adjudicated upon, and if any person thought the Act failed in securing the rights of tenants, it was only necessary to appeal from one of those decisions in order to set the matter at rest. There had been no appeal challenging the efficacy of the Act in that respect, and he saw no necessity for legislation. The other question, however, was more diffi-

cult—it was an important question to consider what effect a conveyance by the Landed Estates Court might have upon the rights of occupying tenants. The noble and learned Lord on the Woolsack remarked the other night that there was a difficulty in the way of legislation, as there might be an appeal to this House from the recent decision. Now, if an appeal could settle the matter, he (Lord Cairns) should prefer, though at the risk of some delay and expense, to await it; but it was really one which no appeal would decide. What had happened was this:—A considerable property in the North of Ireland being about to be sold, preparations were made in the Landed Estates Court for advertising it, and for stating the rights and encumbrances to which it was subject. Some of the tenants applied to the Court, not as litigants, but asking the Judges, in their administrative capacity, to place on the particulars of sale and in the conveyance some notice of their rights. The Judges conceiving this to be unnecessary, and their rights to be sufficiently secure, the tenants carried the matter to the Court of Appeal, where both the Judges sustained the decision of the Landed Estates Court. They did so, however, on different grounds, the Lord Chancellor thinking that the rights were sufficiently secured, while Lord Justice Christian doubted whether they could be enforced, and apparently thought the Landed Estates Court could take no cognizance of them. Now, in case of an appeal to this Court, their Lordships might think the decision of the Landed Estates Court was correct, and yet a purchaser might afterwards contend that under the Landed Estates Court Act the property was free from all claims not stated in the conveyance. Without expressing his own opinion on the matter, the doubt was obviously a reasonable one, which it was desirable to remove by a short declaratory Act before any vested rights had been created which it might be difficult to deal with. He would not re-open the controversy as to the Act itself. Many of their Lordships had a great repugnance to it at first, while the objections of some were removed or lessened by the alterations it received in this House; but they would, he was sure, be unanimous in thinking that whatever rights were thereby given to tenants, should not be endangered by the accident of a

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particular property being sold in the Landed Estates Court without any reference to such rights on the face of the conveyance. In truth, it would be impossible to specify them in detail in every conveyance, as they depended on a variety of circumstances, and it was therefore desirable to enact that they should not be affected by such omission. It was important to landlords as well as to tenants that when estates came to be sold, they should not be disposed of with any uncertainty as to the charges upon them. He therefore asked their Lordships to give a first reading to a Bill enacting that in the case of any proceedings under the Landed Estates Court Act the rights of tenants under the Act of last Session should remain valid, although they might not be specified or referred to in the conveyance. The noble and learned Lord then presented a Bill to amend the Landlord and Tenant (Ireland) Act, 1870.

THE LORD CHANCELLOR thanked his noble and learned Friend for introducing the Bill. After what had occurred it was desirable that all doubt should be removed, and the sooner this was done the better. On the part of the Government he should be happy to assist in passing the Bill as speedily as possible.

Bill read 1^a; to be *printed*; and to be read 2^a *To-morrow*. (No 185.)

UNION OF BENEFICES BILL—(No. 155.)
(*The Lord Bishop of Exeter.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF EXETER, in moving that the Bill be now read the second time, said, that the object of the measure was to extend to all cathedral cities the Act of 1860, which enabled contiguous parishes to be united. In his own cathedral city there were many parishes so small that the work of the Church could hardly be carried on in them with becoming dignity, and some of the churches were so hemmed in and ill-ventilated and lighted, that worship could not be fitly carried on in them. The work of the clergyman could not be carried on in a becoming and efficient manner, because the income was so small. In many of them it was impossible to get persons to undertake parochial offices. The church-

wardens of two parishes in Exeter—one containing 200 inhabitants, and the other 300—had called upon him and represented to him the desirability of uniting these two parishes; and that it was desirable that one of the churches should be closed. They said that they had incurred personal liability for the repair of the fabric, and that the result of a voluntary rate had only produced the sum of 10s. He believed that great benefit would result if the union of small benefices could be facilitated. The provisions of the existing Act respecting London were not precisely suited to other cathedral cities, and the consents required were very numerous; but he doubted whether Parliament would dispense with these safeguards, while the expense attending the removal of bodies might be regarded as a check on ill-considered action. Seeing, therefore, no immediate prospect of better machinery, he should be sorry to lose the present opportunity, when consents might be obtained which a few years hence might be impracticable, and he believed that the inconvenient arrangement of parishes of which he complained was almost confined to cathedral cities.

Moved, "That the Bill be now read 2^a."
—(*The Lord Bishop of Exeter*.)

THE EARL OF POWIS said, he objected to both the form and substance of the Bill. His objection to the form was that it referred to another Act—which would be very inconvenient for those who would have to work out its provisions. He objected also to the substance of the Bill, as it would create pluralities without limitation as to the population of the parishes united; and it would facilitate the pulling down churches for the purpose of selling the sites. It was true that the existing Act exempted London from such a limitation; but this was an exceptional case, for a London parish might have a weekday population of 25,000, and one of only 300 or 400 on Sundays. The clauses were agreed to after much discussion at the instance of the most rev. Prelate who then presided over the See of London. The parishes mentioned by the right rev. Prelate might be united with others provided the aggregate population did not exceed 1,500—a limitation which was imposed on the ground that such a population was as large as a clergyman could

attend to single-handed. It was undesirable to pull down churches and sell the sites, for a small parish did not necessarily imply a small congregation. He would move that the Bill, which he thought had been drawn by an astute conveyancer, in order that it might slip through without notice, be read a second time this day six months.

An Amendment *moved*, to leave out ("now") and insert ("this day six months.")—(*The Earl of Powis*.)

THE BISHOP OF LONDON approved the object of the Bill, but he would ask his right rev. Brother as to the wisdom of attaching it to the Act of 1860, which had been as unworkable as the noble Earl opposite (the Earl of Powis) could wish. During the ten years of its operation there had been 31 commissions to consider the advisability of the union of benefices in London, 30 of them being in the first two or three years after its passing. Eight of these schemes were approved and 23 disapproved; but of those eight only one had been carried out, the church being in course of erection: one was likely to be carried out, and three or four others might come to maturity. The reason was that the Act gave not only a voice to every party interested, but it gave them an absolute veto, and anyone could either refuse his consent or make it conditional on extravagant terms. The result was that persons imposed terms which it was impossible to accept. In other analogous cases there was some mode of adjudicating on objections, but here there was none, and, though the parishioners generally might have no objection, it was not easy to procure their attendance in any number; while it might be the interest of the vestry clerk to keep things as they were. In some of the city parishes, they being already old unions, two or three, or even more patrons had to be consulted, each having an absolute veto. He had been informed of a case which had been hung up, because a patron who had a fourth turn refused his assent unless he received patronage in exchange, or considerable compensation—although one of those gentlemen who called themselves "clerical agents" stated that the value of a fourth turn to presentation was inappreciable. The proceeds of sales of sites, moreover, were much smaller than they should be. The recent Census had shown

a large decrease in the City parishes, and in many the Sunday population was vanishing. Indeed, he was informed that in one the number of people who slept in it on the night of the Census was under a dozen. The unworkableness of the existing Act had become such a scandal that its amendment must speedily be undertaken, and he could hardly recommend any extension of it in its present shape.

THE EARL OF CHICHESTER said, he should vote for the second reading of the Bill, but he entirely agreed with the right rev. Prelate (the Bishop of London) in his statement regarding the great difficulty that was experienced in working the original Act. The removal of bodies made the union of City parishes very expensive, and the sites had not, as was expected, realized a sufficient sum to build and properly endow churches in populous suburbs. It was desirable that an improved and general measure should be passed.

THE EARL OF HARROWBY objected to the form of the Bill as clumsy, and not calculated to meet the necessities of the case. Those difficulties would have to be faced sooner or later by a Bill of an effectual and comprehensive character. In some cities, where churches were crowded together without populations attached to them, it was impossible, now that church rates were abolished, to keep them in repair.

THE ARCHBISHOP OF YORK said, the power of uniting small benefices was very desirable, and the present Bill simply extended an existing Act to all cathedral cities. York much required such a power. A meeting held there shortly after his acceptance of the see, and attended by all the leading Churchmen, unanimously condemned as a great evil the existence of 26 small benefices, some without endowments or congregations. He had appointed a clergyman, in one case, to two contiguous benefices—a plan which had been in operation two or three years without the slightest complaint from the parishioners that the duties were less efficiently performed. Two congregations thus assembled in each church alternately; but there was no reason why they should not have a single church, and the sites of the churches pulled down would often be serviceable for schools. He admitted that the Bill would be but slightly ope-

native, but as far as it went he felt bound to support it.

THE DUKE OF RICHMOND said, he opposed the Bill for the very reason given in the last observation of the most rev. Prelate—that it would be but slightly operative. The unworkableness of the existing Act was a reason for not extending it. He objected to such a mode of dealing with the question. He did not agree with the noble Earl (the Earl of Powis) that the Bill had been drawn by an astute conveyancer, for the recital spoke of “the Session of Parliament which sat” in such and such a year. It would be unintelligible without reference to the Act of 1860, and he could not see why cathedral cities required legislation more than other large towns. Under these circumstances he trusted that the right rev. Prelate would leave the subject to be dealt with next Session on a larger and more comprehensive scale.

EARL GRANVILLE was understood to say that he thought that the Bill could be easily amended in Committee in a way to remove the objections urged against it.

THE EARL OF CARNARVON said, he had not heard a single argument advanced in favour of the Bill; and even those who supported it qualified their approval by so many modifications that it would be hardly wise to accept their advice and pass a Bill which was so ill-drawn that it would be a crying disgrace to them.

THE LORD CHANCELLOR said, he thought the right rev. Prelate was justified in introducing a Bill which proposed simply to extend the same power to cathedral cities which had already been given with respect to the Metropolis, on the principle that it was always desirable to secure uniformity of procedure. Although the procedure fit for London might not be fit for other smaller towns, the right rev. Prelate thought it would be better to adopt the clauses of the Act dealing with London rather than encumber the Statute Book with exceptional legislation, in the same way as it had been deemed expedient in the case of railways and public companies to make one law applicable to all. No one connected with a cathedral city could doubt the want of some measure of this description. Since he had had the honour of holding his present office he had been informed of several of those small bene-

fices having lapsed to the Crown in consequence of the impossibility of finding persons to accept them. The present measure, however, was capable of great improvement.

THE MARQUESS OF SALISBURY remarked that if Parliament intended to occupy itself with subjects of this kind it might be desirable to have a Churchyard Desecration Clauses Act; but, in the meantime, he pointed out that while in London, where land was very valuable, it would be well to incur expenditure under the Act of 1860, in ordinary cathedral towns, where land as a rule was not valuable, the Ecclesiastical Commissioners would provoke a great deal of ill-feeling by desecrating the ground and hurting the feelings of the relatives of those interred there, without in the end being able to recoup themselves for the outlay.

On Question? *Resolved in the Negative*; and Bill to be read 2^d *this day six months.*

THE APPELLATE JURISDICTION OF THE PRIVY COUNCIL.—OBSERVATIONS.

LORD WESTBURY, in rising to call the attention of the House to the state of the Appellate Jurisdiction of the Privy Council, said, that on the last occasion when he brought this subject forward the manner in which the great functions of the Privy Council as a Court of High Appeal were discharged was fully entered into. The great importance of the subject, both in a legal and constitutional point of view, was fully admitted; and there was, he believed, but one opinion expressed—that it was the absolute duty of the Government to remove the evil which was admitted on all hands to be a disgrace to the administration of justice. At that time not fewer than 370 appeals from India and our colonial possessions had accumulated, and to that number were to be added others not then lodged, but which were in course of transmission to this country. Upon inquiring the time that would be required for the dispatch of these appeals, it was found that if the Court sat continuously, *de die in diem*, for the same period of time that the Courts of Chancery and Common Law were in the habit of sitting, at least two whole years would be re-

quired for the proper dispatch of the accumulated amount of judicial business. But during those two years there would be a fresh supply of appeals, and probably 200 new appeals would be lodged while the accumulated business was being disposed of. They all knew the amount of business that was constantly arriving from the Courts of India, and the importance which was attached by India and the colonies to the connection with this country as securing a satisfactory determination of litigation. If, then, the Court took two years to dispatch the 370 appeals before it, and there was a nearly equal accumulation of fresh appeals during that time, it was hopeless to expect to arrive at a speedy and satisfactory administration of justice. Therefore it was impossible to see that anything could be done except to apply ourselves promptly to the constitution of a tribunal which would first dispose of the arrears and then deal satisfactorily with the appeals from India and our colonial possessions as they arose. On that occasion some difficulty was raised by the noble and learned Lord on the Woolsack, not to the evils he (Lord Westbury) had pointed out, but to the remedy he proposed should be applied; but as he distinctly stated that he would divide the House unless he received from the Government something like a positive pledge of action in the matter, that pledge was given, and he withdrew his Motion. Notwithstanding all this, absolutely nothing had been done, and for reasons which no man could tell. There was no division of opinion—there was no hesitation as to what should be done; and though it was to his mind a poor expedient, he was willing to accept it, such as it was, because he despaired of obtaining anything better. It was agreed that there should be added to the Judicial Committee two of the Puisne Judges, who should be encouraged to accept retiring pensions, such pensions being augmented by an addition of £1,000 a-year, so as to make up salaries similar in amount to those they were receiving at the time of their retirement, on condition that they devoted themselves continuously to the duties of the Judicial Committee. In addition to this it was proposed to secure the services, by a similar process, of at least one member who had filled the office of Judge in one of the High

Courts of Judicature in India; and these three Judges, with Sir James Colville and Sir Lawrence Peel, who would receive similar allowances, would constitute the permanent Committee. He should have been very glad if a more comprehensive scheme had been adopted, but he was afraid that in this day they were all too desirous of merely patching up and resorting to miserable expedients instead of fulfilling great and imperative duties in a manner correspondent with their importance. The Judicial Committee of the Privy Council was the final Court of Appeal for doing justice to many millions of people who were increasing in wealth and commercial relations, all giving rise to a variety of judicial questions calling for settlement. These people were provided with Judges of First Instance; but they could not in the colonies get the quality of justice they required, and there was a great deficiency in regard to Judges who should exercise the highest appellate jurisdiction, and a feeling of disappointment resulted. It was characteristic of most men that they were content with the administration of justice when they drew it from the highest and most important sources, but were not content to receive it through subordinate channels. In one of the leading Australian papers—*The Melbourne Argus*—there appeared the following expression of feeling, which conveyed what he wished to impress on the House—

"But there is no doubt that a strong feeling of dissatisfaction with the present machinery for finally disposing of colonial appeals is rapidly growing in this country. It is too bad that the most important cases should be left untouched for two, for three, or even for four years. When at length the time for hearing arrives, there is no security that a Court will be formed such as the colonies have a right to expect."

Then followed some discouraging observations, which, though not far from being just, he should abstain from reading. The article then proceeded to say—

"We earnestly trust that neither pains nor cost will be spared to provide a fitting organ for the greatest appellate jurisdiction in the world. We look, therefore, with the deepest interest for the news of the promised law reforms of the Lord Chancellor. All that we ask is that our suits shall be decided by a fully organized English Court, and not by some stray legal casuals. We think that the colonies are worth the salaries of three or four Judges, even if the expenses of the Court should mount up to £20,000 or £25,000

a-year. Such a sum does not seem unreasonable for the dignity and efficiency of the oldest jurisdiction in the kingdom, and, we may fairly add, the greatest; and if England is so poor as to be unable to provide for the due performance of the Queen's primary duty, it will be well worth our while to contribute towards a Court which shall be fit to advise the Queen how to do right towards all her subjects who dwell beyond the limits of the British Isles."

The "promised law reforms of the Lord Chancellor," referred to in the extract he had quoted, had unfortunately passed into that limbo of the past which was peopled with the ghosts of many other "promised reforms," and if he were called upon to give a motto descriptive of the policy of the Government in reference to legal reforms, he should inscribe, in large characters, the words—

"*Quærenda pecunia primum est,
Virtus post nummos.*"

"*Virtus*," in this case the duty of providing for the proper administration of justice, was by Her Majesty's Government placed *post nummos*. A great Commission had sat and reported upon this subject as to the proper course to be taken, and nothing was wanted but the money in order to enable the administration of justice to proceed in a proper manner. The same motto would apply to the scheme for building the Law Courts, and there were other schemes for which nothing but *nummos* was wanting, and yet they were postponed. It was very painful to him to say anything against Her Majesty's Government; in fact, he frequently abstained from speaking in order that he might not fall into this, and it was only when goaded beyond the power of endurance that such remarks escaped from him. As to the appeals, nothing had been done since last year, and the present state of things was worse than it was then. In the year 1870 there were 370 appeals in arrear, and on the 10th of the present month the registrar reported the number set down for hearing as 86; the number in the office and under prosecution being as nearly as possible 300 more—making 386, foreign and colonial, in all. This number did not include the appeals relating to patents, the Ecclesiastical and Admiralty cases, the interlocutory motions and petitions, and the Indian appeals, which might be estimated at not less than 100 more, or 486 in all. For various reasons some of these appeals might not come on for

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hearing, and he would therefore strike off the 86, leaving in arrear 400 appeals of great importance to be dealt with. The appeals were also of great importance, for no appeal was brought before the Judicial Committee which involved a stake of less than £1,000, and many related to estates valued at hundreds of thousands of pounds, and sometimes the interests of a whole Province. What an enormous amount of anxiety was produced by the ownership of this property remaining undecided! Such a state of things was a premium to a litigious and obstinate man to persevere in litigation which was almost hopeless, because he might perhaps compel the opposite party to consent to some kind of compromise. It would be useless for him to dilate on the disappointment of nations that were forced to submit to our yoke, and who asked in return that they should enjoy the advantage of having justice properly administered. What, then, could we do in this matter? We might establish a great tribunal, presided over by some man of great eminence and reputation as a lawyer, and having other able Judges associated with him. Such a tribunal would discharge its duties in as satisfactory a manner as his noble and learned Friend on the Woolsack and the great Courts of Westminster Hall discharged theirs. It was vain, however, to ask for the establishment of such a tribunal; and therefore he asked for something which was more in accordance with the will of the Government, and which was a sort of expedient for the present, although it was neither consistent with their Lordships' dignity, nor at all adequate to attain the great object in view. He asked the Government to give a pledge that within ten days from the present time a Bill should be introduced into that House for the purpose of constituting a tribunal in the manner which his noble and learned Friend on the Woolsack proposed last year—namely, by adding to the Judicial Committee two Judges from Westminster Hall, and by so constituting what he might call the Indian Chamber of the Committee that it might sit constantly until the great heap of business before it had been diminished to such an extent as to be manageable for the future in the ordinary way. For some reason, which he could not at present

discover, the appeals from Bengal were far more numerous than those from the other Presidencies of India. Out of the 386 appeals at present awaiting a hearing there were from Bengal 274, from Madras five, and from Bombay only two. How was this enormous disproportion to be accounted for? Surely there must be in the constitution of the Court of Bengal and in the arrangements something which made it impossible that the cases should be satisfactorily decided in the first instance. If the noble Duke the Secretary of State for India would determine what was to be done in India, and if the noble and learned Lord on the Woolsack would consider the constitution of this tribunal, we might sweep away the opprobrious arrears of appeals, and fairly expect that they would not be augmented in the future. He said in the most determined and explicit manner that if he could not obtain from the Government that which they promised him at the end of June, 1869, he would, like the widow in Scripture, try to get it by importunity. If a Bill were not brought in within the time he had named, he pledged himself to move an Address to the Crown, and take their Lordships' opinion on the subject. It would be useless for his noble and learned Friend on the Woolsack to answer that there was in the House of Commons, a Bill which, in fact, was but a second edition of that which failed on a previous occasion to receive any approbation in their Lordships' House. The Bill in question had not, he believed, yet been read a first time in the House of Commons, and it would be a mockery to say it was likely to pass and come into immediate operation. Unless their Lordships came to the rescue and demanded that what was right should be done, he should be left to renew the present appeal in June, 1872.

THE LORD CHANCELLOR said, that no pain which his noble and learned Friend could give to himself and the members of the Government could be equal to the pain they all felt at the existence of the grievance which he had described. They had been quite as sensitive to it as he had been, and he was perfectly aware it was a grievance of which India and the colonies had occasion justly to complain, that there was no well-organized Court to hear appeals from them, and finally to decide their

litigation. Without for one moment palliating or justifying the grievance which existed, he wished to describe its nature and character. He only wished it were possible within ten days to effect the salutary change desired by his noble and learned Friend; and, although he could not give a solemn pledge that the change should be effected in any given time, he would say that the Government would do their best to remedy the grievance arising from the present state of this Appeal Court. It was hardly just to say that nothing had been done—that a pledge had been given and broken; for a Bill was introduced into this House, and, although it did not meet with the approbation of the noble and learned Lord, their Lordships passed it, and it was sent to the other House, where the progress of measures of law reform had been impeded, and was likely to be impeded, by measures of more popular interest. Certainly the present Government had not been slow in endeavouring to effect law reforms. That which was most pressing when he came into office was the reform of the Bankruptcy Law, which preceding Governments had attempted, and the great need of which was shown by the fact that in the course of the year there were not less than 80,000 bankruptcy cases, in 5,000 or 6,000 of which alone a dividend was paid; whereas, he was glad to learn, from the learned Judges who presided over the Bankrupt Courts in the North of England, that the result of legislation was that there were very few cases in which no dividend was paid, that in the majority of cases a dividend of 10s. in the pound was paid, and there were very few in which the dividend was as low as 5s. in the pound. The Bankruptcy Bill was passed notwithstanding the engrossing demand upon the attention of Parliament caused by the legislation with regard to the Irish Church. In the next Session he was anxious to carry through a Bill for the reform of our legal tribunals; but the pressure of those two important measures, the Irish Land Bill and the Education Bill, fully occupied the House of Commons, and the Bills which he had introduced with reference to the Appellate Court, and the reform of judicature generally, made no progress in the other House. This Session a Bill, which some learned Judges considered a great im-

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provement upon those of last year, had been circulated for comment and suggestion, and for some time it had been in the hands of a Member of the other House, with a view to its introduction there, in fulfilment of a promise he had given when the regular course of business there would permit. The present grievance with reference to the hearing of appeals before the Privy Council was in no way due to the present Government, but it had arisen from two circumstances, to one of which the noble and learned Lord had adverted. The appeals from India had increased with enormous rapidity during the last few years, and of course the Government could not be held responsible for that. Further, the constitution of the Appellate Court, which had well answered its purpose for 30 odd years, had wholly broken down. Five of its most able members and continuous attendants, although all living, had been rendered unable, from age or infirmity, to attend its sittings; and for this untoward circumstance the Government could not be held responsible. They would, however, be responsible if they did not attempt to provide a remedy for the state of things which had fallen somewhat suddenly upon us in this respect. With reference to the delay in the hearing of Indian appeals, he held in his hand a report of a discussion which took place at a meeting of a society that took an interest in these matters, and in that discussion there was read a letter from a gentleman who had a most perfect knowledge of the subject (Mr. Forsyth), who said that one cause of the delay was the want in India of qualified transcribers to prepare the evidence for transmission to this country. From this cause it took ordinarily from four to five years to prepare a case, and that accounted for the number of appeals that were "hung up." But the number that was actually set down for hearing was comparatively small. There were now 80 Indian appeals set down for hearing, but the remaining 200 or 300 were causes which could not be heard if the Privy Council were reconstituted to-morrow.

LORD WESTBURY said, that all the papers had been transmitted and were now in the office; but the appeals were not put down for hearing, owing to the expense and inconvenience of entering them before they could be heard.

THE LORD CHANCELLOR said, no doubt expense was incurred by setting them down for hearing, because in that case counsel must attend, but causes could be entered without being set down for hearing; and if these 300 causes were ready to be heard there was no reason why they should not be set down. When he came into office there were two years' arrears of appeals in their Lordships' House; but now, notwithstanding that two causes had occupied eight weeks of judicial time—those of the Wicklow peerage and Miss Shedden—the House was hearing appeals of the present Session. That being so, great encouragement was afforded to hope that, by providing Judges who could sit for a few weeks consecutively, the appeals that were set down could be disposed of. The existing grievance, therefore, was not one which had been long foreseen, and which could have been provided against; but, on the contrary, it had come on suddenly, and it had increased very much since the noble and learned Lord occupied the Woolsack, and the accumulation of appeals had arisen from five Judges being placed unexpectedly *hors de combat* with reference to their ability to sit and hear them. Having last year introduced a Bill for remedying the grievance—a Bill which passed their Lordships' House and was stopped in the other House only by the great accumulation of business—he thought the Government could not fairly be considered callous or insensible to the evils which had been described by his noble and learned Friend. With reference to Australia, he did not know what the statistics were as to appeals waiting for hearing; but there were only two appeals from that colony down on the paper. It was quite right, however, to take care that there should not hereafter be the same grievance to complain of as in India. What he deprecated was, that his noble and learned Friend should take up a tone which seemed to indicate that he was subjected to a personal injury in having had promises made to him and then broken, when he trusted he had satisfied their Lordships that he did not hesitate one moment longer than was necessary in passing a Bill through that House which was only stopped in the other House by the pressure of business. He was quite ready to say that, without confining himself within the rather

peremptory limits prescribed by his noble and learned Friend, he trusted they would be able so to arrange matters that, until a Bill, to be commenced in the other House—if they were fortunate enough to receive it in any reasonable time—should pass, the sittings of the Court should be continuous, so as to take up the arrears. But he could not sit down without saying that the appellate jurisdiction of their Lordships' House had not given entire satisfaction, and he trusted the remedy hereafter would be by a general and comprehensive measure. There was one evil which ought speedily to be remedied—he meant the co-ordinate jurisdiction of their Lordships and of the Privy Council in the construction of English law. That House determined English law in the last resort. An appeal came from Australia which was governed by English law. That appeal went to another tribunal whose decisions were final on all questions of colonial law; and there might therefore be a clashing between their Lordships' House and the Privy Council on the construction of an English statute or some doctrine of English law. That was an unsatisfactory state of things, and he hoped when there was an opportunity of bringing forward the larger measure of which he had spoken something would be done to remedy it. He trusted he should be able to propound some means by which these two great Courts of Appeal might be able to render mutual assistance on all questions of English law, so as to act together in concert and harmony with each other, so that there might be uniformity of law; and some measure which, he believed, would be found to contribute very largely to having a continually sitting Court in the Privy Council, and, so far as it was wanted, a continually sitting Court by means of a Committee of their Lordships' House for hearing appeals. Undoubtedly a very considerable reform was wanted in this direction. He had not gone into his noble and learned Friend's statistics. That was not necessary. He quite admitted the evil. But the immediate pressure, he thought, must be measured by the printed list; for there was, in fact, nothing more which was ready to be disposed of. If there were other appeals ready for hearing, he did not understand why they should not be set down. By means of the temporary

measure which he had suggested—namely, continuing the present sittings and sitting during the legal session, the present arrears would in all probability be disposed of.

LORD CAIRNS said, he wished to make a single observation on the two measures to which his noble and learned Friend had referred. It was quite true that when the Bankruptcy Act became law the year before last, he hoped that some improvement would be effected in the law on that subject; but if his noble and learned Friend persuaded himself that in the opinion of the public that measure was working well and giving satisfaction, he was labouring under an entire mistake. It was very difficult to say whether there was not at this moment greater dissatisfaction occasioned by the working of that measure than there ever had been before. Then, as to the Judicature Bills presented last year, he thought their Lordships had great reason to complain of the course which had been taken. When brought before their Lordships' House they were mere skeletons of what a measure ought to be—skeletons without life, flesh, or blood. Everything of importance was to be filled up by rules to be made under the authority of those measures. He protested very much against the course which had been taken; but he was appealed to to allow the Bills to pass in order to allow the rules to be prepared, and a compromise was effected that the Bills should not come into operation until the rules, which were to supply the life-blood to the Bills, had been laid before Parliament. Now, what had been done? The Bills had gone down to the House of Commons, where they were not even proposed for discussion. He did not think that a Government with a large majority at their back were justified in laying these Bills aside without attempting to pass them through the other House. What was the consequence? Having arrived near the end of the Session, his noble and learned Friend (the Lord Chancellor) told them he had prepared and circulated some Bills on the subject. All he knew was, they had never been presented to Parliament.

THE LORD CHANCELLOR said, they had been circulated among all the Judges both of Law and Equity.

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LORD CAIRNS said, he must remind his noble and learned Friend that it was not the duty of the Judges, but of Parliament, to legislate on this subject, and it was not enough at nearly the end of the Session to tell them that Bills had been circulated among the Judges which had been referred to in the Queen's Most Gracious Speech from the Throne. Now, a late stage of another Session had been reached, and the measures which had been again referred to in the Speech from the Throne were in about the same position. With reference to the Privy Council, although the printed list of appeals waiting for hearing amounted to only 86, he did not think, judging from his own experience, it was too much to say if the Judicial Committee sat consecutively during the whole judicial year they would be unable to dispose of that arrear; and there would then be another arrear. The delay which occurred was attended with great inconvenience to suitors. Appeals to the Privy Council required a considerable expenditure of money. Printed cases must be prepared before they were set down, and no solicitor would incur that expense, which would be out of his own pocket, while the arrear was such that he saw there was no chance of his case being reached within 12 months. Looking to the time that was occupied by the Privy Council in hearing cases, the wonder was that so many as 86 had been put down. It was no answer to say that the business of their Lordships' House was not now very much in arrear; but even if there was a great arrear he doubted whether it would so imperatively call for the interposition of their Lordships at this particular moment, because the business before this House related to England, Scotland, and Ireland, where people knew what was going on, and could interfere and agitate if they found that their interests were being neglected. Their Lordships, however, were now asked to protect the colonists and the people of India, who were not able to make their complaints known except through the newspapers, and were, therefore, driven to agitate in their own countries for the establishment of a Court of Final Appeal in each particular colony—a step which would destroy one of the most valuable links that connected this country and her colonies—namely, the drawing their sources of law from

the Courts of England. He did not say that the Government were to blame for there being so much litigation from the colonies to be disposed of here; but they were exposed to blame for not being at least in a better condition to remedy existing grievances than they were last year. Another complaint that he had to make against the Government was with regard to the Bill that they introduced last year to improve the Judicial Committee of the Privy Council. He thought its provisions inadequate, and that they would rather deteriorate the tribunal; but, giving way to the urgency of his noble and learned Friend on the Woolsack, he abstained from doing anything more than proposing that the Bill should be for one year only. In a division on that point all the Members of the Government voted against him, and his Amendment was negatived by a majority of 11; but when the Bill went down to the House of Commons the Home Secretary, before a word of criticism had been offered, recommended that the Bill should be only a temporary one. That was not encouraging. If his noble and learned Friend (Lord Westbury) had asked for complete legislation within ten days he would have been unreasonable, but he only asked that the proposed Bill should be introduced within that time. There was not the least reason why that should not be done; and to be unable to promise to bring forward within ten days a Bill that was mentioned in the Royal Speech was tantamount to saying that the Government were in difficulties and did not care to meddle with the matter.

LORD ROMILLY said, he had always understood that the remedy for the existing evil was to be a temporary one only; but if the reform of the Judicial Committee was to be postponed until the passing of a general measure as to the whole appellate jurisdiction of this country, he would venture to say that the subject would outlive many of their Lordships. He understood the noble and learned Lord on the Woolsack to promise that he would alter the judicial tribunal itself, so as to enable it to sit continuously. It was idle to refer so constantly to the late Lord Kingsdown, who liked sitting in a judicial capacity, and constantly did so, without receiving any reward. By him the Court was kept always sitting; but that could not

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now be done unless proper persons were employed at a sufficient salary. Some temporary measure was required for enabling the Judicial Committee to dispose of that business which was essential for the administration of justice over a large part of the world. He therefore hoped his noble and learned Friend would not wait until these Bills came from the other House, but would at once introduce a measure to remedy a grievance which was universally felt.

LORD WESTBURY, in reference to the Indian Appeals, said he hoped that the promise of the Lord Chancellor would be put on record.

THE LORD CHANCELLOR said, there was no necessity for any record. The Government would take care to propose some arrangement by which a competent Court might be constituted to hear Indian Appeals without delay. How the Court should be constituted was a matter that would require consideration.

LORD WESTBURY gave notice that if some measure were not soon taken he would move an Address to the Crown on the subject.

House adjourned at Eight o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 15th June, 1871.

MINUTES.] — PUBLIC BILLS — *Resolution in Committee — Ordered—First Reading—Chain Cables and Anchors* * [201].
Ordered—First Reading—Metropolitan Building Act (1855) Amendment * [200].
First Reading—Glasgow Boundary * [198]; *Sa-sines Register (Scotland)* * [199].
Second Reading—Life Assurance Companies Act (1870) Amendment * [183]; *Kingsholm District Boundary* * [185]; *Sewage Utilisation Supplemental* * [186]; *Local Government Supplemental (No. 4)* * [187]; *Intoxicating Liquors (New Licences)* * [157].
Second Reading—Referred to Select Committee—New Mint Building Site * [176].
Committee—Army Regulation [39]—R.F.
Committee—Report—Prayer Book (Tables of Lessons) (re-comm.) [181]; *House of Commons (Witnesses)* * [156].
Withdrawn—Charity Commissioners * [99].

D

FRANCE—COMMERCIAL TREATY.

QUESTION.

MR. WHITE asked the Under Secretary of State for Foreign Affairs, Whether the French Government has notified its intention to put an end to the Commercial Treaty with Great Britain; and, if so, whether that Treaty (in conformity with Article No. 21) would not continue in force for twelve months after such notification?

VISCOUNT ENFIELD: Sir, allusions have been made incidentally to the Treaty of Commerce between England and France by certain members of the French Government to Lord Lyons, but they have never assumed the shape of official communications. Under these circumstances, the hon. Member will probably not think it incumbent upon me to answer the latter portion of his Question.

NEW PRISON NEAR ROCHESTER.

QUESTION.

MR. GOLDSMID asked the Secretary of State for the Home Department, Whether the statement is correct that it is the intention of the Government to build a Prison by means of Convict Labour on land between Gillingham and Borstal, near Rochester, which was originally purchased by the Crown for the purposes of the fortifications round London; and, if so, whether he will undertake that no further steps shall be taken in the matter without the consent of Parliament?

MR. BRUCE said, in reply, that the question of employing convict labour in building a prison on land between Gillingham and Borstal was still under consideration, and the matter would not be decided until Parliament had had an opportunity of expressing an opinion upon the subject.

METROPOLIS—HAMILTON PLACE.

QUESTION.

MR. CHAPLIN asked the First Commissioner of Works, Whether he is aware that a drinking trough for cattle and horses has been erected in Piccadilly exactly opposite the new thoroughfare through Hamilton Place; and, whether he will take steps to procure its immediate removal to a more suitable locality less obstructive to traffic?

MR. AYRTON, in reply, said, he had been informed that the trough in question had been erected by a benevolent Member of that House, the hon. Member for Weymouth who, believed that in so doing he was rendering a great service to animals. The hon. Member had previously erected a similar trough at Knightsbridge, which had been regarded as a great boon by the drivers of vehicles. The exact site for the trough in question had been selected by the Vestry which the inhabitants of St. George's, Hanover Square had elected for the management of their affairs. Under these circumstances, if the inhabitants of that district did not approve the site that had been selected for the erection of this trough, they should either imitate the example which had been set them by the hon. Member for Weymouth and subscribe the necessary funds for erecting a handsome trough elsewhere, or else they might represent their grievances to their Vestry, and in the event of these not being redressed they could protect themselves by electing an anti-trough Vestry at the next general election for vestrymen for the district.

ARMY—PROMOTION AND RETIREMENT.

QUESTION.

LORD GARLIES asked the Secretary of State for War, Whether it is not a fact that an estimate has been prepared in the War Office of the probable cost of a scheme for promotion and retirement rendered necessary by the abolition of purchase in the Army, which tends to show that it is likely to cause an annual expenditure of from £800,000 to £1,000,000; and, if this be so, whether he will object to laying it upon the Table of the House?

MR. CARDWELL: Sir, no estimate has been prepared at the War Office tending to show that the probable increased cost of promotion and retirement caused by the abolition of purchase will, as compared with the present cost, amount to such a sum as is suggested in the Question of the noble Lord. I have repeatedly stated the reason which has prevented my laying upon the Table any such estimate—namely, the absence of any basis on which such an estimate could, in my opinion, be framed so as to be entitled to the confidence of the House.

CHARITY COMMISSIONERS BILL.

QUESTION.

MR. COLLINS asked the Secretary of State for the Home Department, If it is the intention of the Government to proceed with the Second Reading of the Charity Commissioners Bill this Session; and, if so, if he will now fix a definite day for the Second Reading?

MR. BRUCE: I am assured, Sir, that it is impossible to fix a day for the second reading; and, as undoubtedly the Bill will require some time for its proper consideration, the Government think it better that the Order should be withdrawn.

RE-ORGANIZATION OF THE ARMY.

QUESTION.

COLONEL C. H. LINDSAY asked the Secretary of State for War, Whether the re-engagement of a soldier (whose conduct and health are good) for service with the standards from period to period up to twenty-one years will be allowed to rest solely with himself and his commanding officer; if he will state what will be the considerable changes which he has announced to be his intention to make in the future appointments of Volunteer Adjutants; and, whether he has any intention of making any alterations in the present appointment and duties of Volunteer Adjutants?

MR. CARDWELL: Sir, the re-engagement of a short-service soldier will depend upon the military authorities on the one side and the soldier himself on the other. It is in contemplation to appoint adjutants to the Reserve forces from regiments of the Army, supernumeraries, for a limited time, and with power of renewal, if their services are satisfactory. It is intended that all the permanent Staff of the Reserve forces shall be under the direction of the major-general commanding in the district and the colonels on the Staff, so as to be generally available for the purposes of recruiting for the Army as well as for the purposes of the Reserve forces.

ARMY—PROMOTION AND RETIREMENT.

QUESTION.

COLONEL STUART KNOX asked Mr. Chancellor of the Exchequer, Whether it is not customary for a Minister intend-

ing to introduce a Government measure involving a large outlay of public money, to submit his scheme to the Chancellor of the Exchequer; and, if so, whether an estimate of the probable annual cost of the promotion and retirement, as the necessary sequence of the passing of the Army Bill, was placed before and approved by him before he made his Financial Statement this year, and if he will cause it to be laid upon the Table of the House?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is the practice for Ministers who are introducing measures involving large or even small financial changes to consult the Chancellor of the Exchequer. My right hon. Friend the Secretary of State for War did so in the present instance, and he laid before me, as he has laid before the House, a trustworthy statement, as I believe it to be, of the expense of abolishing purchase. He did not give me any estimate of the cost of providing for promotion and retirement, for the reasons which the hon. and gallant Gentleman may probably have heard already more than once this Session; indeed, he might have heard them from the mouth of my right hon. Friend within the last two or three minutes. I will only add that I am convinced of the wisdom of the course taken by my right hon. Friend, because it would have been a mere illusion to have laid before the House an estimate founded on data on which my right hon. Friend himself could not rely. Whatever the expenditure may be it could have made no difference whatever in the expenditure of the present year.

CONTAGIOUS DISEASES (ANIMALS) ACT.

QUESTION.

MR. HOLMS asked the Vice President of the Privy Council, When the cordon round the Metropolis prohibiting the free ingress and egress of cattle will be removed; and, if its removal depends upon the construction of the waterside market, when will its construction be completed?

MR. W. E. FORSTER, in reply, said, the removal of the cordon round the Metropolis prohibiting the free ingress and egress of cattle depended upon the construction of the waterside market, and he had every reason to hope that it would be constructed at the time fixed

by the Act—namely, before the end of the year.

METROPOLIS—SOUTH KENSINGTON MUSEUM.—QUESTION.

MR. CAVENDISH BENTINCK asked the First Commissioner of Works, When he will be prepared to exhibit the plans and model of the proposed Natural History Museum at South Kensington, and whether before the Estimate for the work is proposed; and, when the Instructions and Correspondence relating to the New Natural History Museum, which have been ordered to be laid upon the Table, will be in the hands of Members?

MR. AYRTON, in reply, said, the estimate of the expense of the Natural History Museum at South Kensington would be laid on the Table to-morrow. He never contemplated a model of that museum being prepared or exhibited, and he did not think any advantage would result from that course. He was informed by the architect that the plan and drawings would not be ready for some time. He had no doubt the architect would do all he could to accelerate the preparation of them. If the plans and drawings were not ready when the Estimates came on, the estimate for the building must necessarily be proposed in their absence.

THE LATE WAR-OFFICE INCOME-TAX COMMISSIONERS.—QUESTION.

MR. MELLOR asked the First Lord of the Treasury, If the late War Office Income Tax Commissioners have had retiring pensions granted to them as follows: viz. Mr. Talbot, late chief clerk, £950; Mr. Wiffin, late accountant general, £650; and Sir William Brown, C.B., £800 per annum?

MR. GLADSTONE, in reply, said, Mr. Talbot had allotted to him a pension of £980, not £950, as in the Question; Mr. Wiffin had a pension allotted to him of £650; and a pension of £800 had been allotted to Sir William Brown.

CUSTOMS CLERKS' HOLIDAYS. QUESTION.

CAPTAIN GROSVENOR asked Mr. Chancellor of the Exchequer, Whether it is owing to any misconduct upon the part of writers in the Customs that the

Mr. W. E. Forster

promise recently made to them of a fortnight's annual holiday, without loss of pay, has been withdrawn?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that since the time when a fortnight's annual holiday, without loss of pay, was promised to writers in the Customs, it had been found that such holiday would militate very strongly against the uniformity of the system which had been established in the Department, but a fortnight's holiday would be allowed to the writers for the present year.

INDIA—EAST INDIA ADMINISTRATION PERSONAL EXPLANATION.

MR. GRANT DUFF: I wish, Sir, to take this opportunity of saying that I find I was under a mistake the other day when I accused the hon. Member for Brighton (Mr. Fawcett) of exercising an extreme right, or something more than an extreme right, in changing the terms of his Motion. I have since learnt that the course he took could be quite justified by precedent, though I still think it was inconvenient when so very serious a matter as the existence of anything that could fairly be called "widespread discontent" in India was in question. I wish further to say that I desire entirely to retract any moral blame which I attached, or was understood to attach, to the hon. Gentleman. My expressions will not at all bear the interpretation he put on them in his reply, as I am sure he will see if he has them read over to him again; but they do, I think, convey some fraction of moral blame, and that I absolutely retract.

MR. FAWCETT: Sir, I beg to thank the Under Secretary for the explanation he has given. Not only when I heard the words in question used, but when they were read to me the next morning, they caused me very considerable pain. My conduct had not been dishonourable. The course I took was this:—I immediately consulted the highest official in this House as to whether it was in the least degree unusual or improper for a Member to alter the terms of his Motion three days before he brought it forward. Had my conduct been in the smallest degree unusual I should have asked the Speaker to have allowed me to make the most ample apology, not only to the Under Secretary, but also to this House,

for, above all things, I have been most anxious since I have had a seat here that I should do nothing which any opponent would be able to say was not perfectly straightforward. I am sure that in future the hon. Gentleman the Under Secretary, if I should have occasion to speak on the subject of India, will do me the justice of supposing that I am actuated by motives not less worthy, and a desire not less sincere, to promote the interests of India than he himself is actuated by. In conclusion, I beg to thank both sides of the House for the great kindness which they have shown to me in this matter, and I beg most particularly to thank the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) for the generous way in which he spoke the other night of the motives with which I brought forward my Motion.

ARMY REGULATION BILL.—[BILL 39.]

(*Mr. Secretary Cardwell, Sir Henry Knight Storks, Captain Vivian, The Judge Advocate.*)

COMMITTEE. [*Progress 13th June.*]

Bill considered in Committee.

(In the Committee.)

PART II.—*Army Enlistment.*

Clause 6 (Rules as to enlistment.)

MR. CARDWELL said, he rose for the purpose of making an appeal particularly to his hon. Friend the Member for Finsbury (Mr. W. M. Torrens), that he would permit the Government to make a Motion for omitting the clause, and to proceed with the Bill in the mode in which they intended. He entirely admitted, and, indeed, everyone must feel the great importance of the subject which his hon. Friend wished to bring under the consideration of the House. It was extremely desirable that the question should be fully and fairly considered; but he hoped his hon. Friend would think him not unreasonable if he asked him not to bring it forward as a formal Amendment to the clause with which it was the intention of the Government not to proceed.

MR. W. M. TORRENS, who had given Notice to move as an Amendment to Clause 6 (or, if that Clause be withdrawn, as a new clause), page 4, line 41, before "no," insert—

"No person enlisted as a soldier in any regiment of cavalry or infantry of the line shall be called

upon to serve Her Majesty out of the United Kingdom until he shall have attained the age of twenty years,"

said, he hoped the Committee would believe that nothing was more contrary to the interests and wishes of one placed in his position than to tempt them to go into a discussion sooner than it was the general pleasure and convenience to do, and if the Government would only assign him an early day when the Bill had come out of Committee, he would be willing to yield. If the Government thought it would be more for the convenience of Public Business to grant him any day on which this should be the first Order, so that what he considered a pressing question should be in the same position as it now stood, he would not have the slightest objection to sit down and not say another word. But he put it to his right hon. Friend whether it would be a good exchange to give up the advantageous position which he now held for the chance of bringing on the question at an hour before midnight, when it would be impossible that it should be fairly discussed.

After long discussion, MR. CARDWELL said, he would move that the clause be postponed.

Motion agreed to; Clause postponed.

PART III.—*Auxiliary Forces.*

Clause 7 (Jurisdiction of lieutenants of counties in respect of auxiliary forces revested in Her Majesty.)

MR. CARDWELL moved, in page 5, to leave out from "either," in line 27, to "howsoever," in line 29, both inclusive, and insert—

"Or by the Lord Lieutenant of Ireland, either of his own motion, or with the advice of the Privy Council in Ireland."

This Amendment would place the Irish Militia in the same position as the Militia of England, by taking it out of the hands of the Lord Lieutenant.

COLONEL STUART KNOX said, he was glad to see such an Amendment proposed, because he believed that the less power there was in Dublin Castle the better it would be.

COLONEL GILPIN asked whether the first commissions were to be in the hands of the Lord Lieutenant?

MR. CARDWELL said, that first commissions would continue to be re-

[Committee—Clause 7.]

commended by the Lord Lieutenant; but when a subaltern had distinguished himself by service, then, on the recommendation of the commanding officer, or of the colonel on the Staff, he would be selected for promotion or for a commission in the Line.

LORD JOHN MANNERS said, he hoped there would be harmonious action between the Lord Lieutenant and the Secretary of State, and that a different course would not be taken in different counties.

MR. CARDWELL said, that would be the spirit in which he should desire to act. The main object was to avoid a dual responsibility.

Amendment agreed to.

MR. CARDWELL moved, in page 5, line 34, after "thereof," insert—

("Saving nevertheless to the lieutenants of counties their jurisdictions, powers, duties, and privileges in relation to the appointment of deputy lieutenants, the raising of the militia by ballot, and the proceedings incidental thereto.")

MR. CONOLLY said, he thought it would be far better to leave the appointments, as at present, in the hands of the Lord Lieutenant, whom it was hardly complimentary to confine to the appointments which were generally filled by a very different class of officers from those which were now under discussion.

SIR JOHN PAKINGTON asked whether the right hon. Gentleman intended that the Secretary of State was to recommend the officers—because it was of great importance that the Lords Lieutenant should have the power of appointing those gentlemen who, from their position, were likely to bring a considerable number of men into the regiment, an object which was effected better under the present system than it could be under any other by which it might be superseded.

MR. CARDWELL said, that when the officer was once in the regiment he would rise by merit.

MR. ACLAND said, he did not quite understand whether the right hon. Gentleman had fully realized the fact that the captain of a Yeomanry corps and the commanding officer of a regiment were, practically, the only recruiting officers in a country district.

MR. CARDWELL said, it was intended to consult the Lords Lieutenant on appointments, with regard to their

bearing on the recruiting of the regiment.

MR. ACLAND said, if he understood the right hon. Gentleman aright the commanding officers of local regiments would be considered competent to recommend persons as officers. That was intelligible. But he could not help fearing that military men might lose sight of this vital principle, that the commanding officer was the only recruiting officer as a rule. No greater mistake could be made than to suppose that persons of mere intelligence could keep together a corps of Volunteers or Militia.

SIR JOHN PAKINGTON said, that it was intended that, in order to keep up a proper connection between the Militia and the counties to which the various corps belonged, the first appointment of Militia officers should be on the recommendation of the Lords Lieutenant. Under these circumstances, would it not be better to insert a statement to that effect in the Bill, otherwise there would be no guarantee for the continuance of the proposed practice, and another Secretary for War might take the power into his own hands.

MAJOR GENERAL SIR PERCY HERBERT pointed out that if the officers of the Militia were to rise by merit, and a considerable number of officers were to be brought from the Army into the Militia, it was difficult to see how this arrangement could work. Of course, officers from the Army could not be expected to take the position of subalterns, and if they were made captains, how could the Militia officers rise by merit?

COLONEL NORTH said, nothing could upset the harmony of a regiment more than to carry out the arrangements contemplated.

MR. CARDWELL said, this was a good illustration of the impossibility of laying down rules beforehand in reforming the Army. The intention was, as he stated, to appoint officers of the Army to be adjutants of the Reserved force, making them supernumerary of their regiments while adjutants of the Militia, and subject to being recalled. It would frequently be necessary to bring into the Militia officers from the Army, and this would probably be done in a greater proportion than at present. With regard to putting the arrangement about the recommendation of officers in the face of the Bill, he would have no objection,

as far as he was himself concerned. But he did not think it would be wise, in the first place, and in the next place he did not think there was any risk that any future Secretary of State would wish to be troubled with anything so extremely detailed and inconvenient as providing subalterns for the Militia. There was another thing it was desirable to avoid—namely, dual responsibility.

SIR JOHN PAKINGTON said, they had practical experience that since the recommendation of officers was to be in the hands of Lords Lieutenant these gentlemen had been inundated with applications. The right hon. Gentleman said no Secretary of State would care to take the trouble of appointing subalterns. But there would be a great temptation to do so if these men had afterwards the right of passing into the Line.

LORD ELCHO said, there were two questions before the Committee—namely, doing away with the power of the Lords Lieutenant appointing certain officers, and the amalgamation of the Regular and Reserve forces. The clause before them was one which had been introduced with a great flourish of trumpets, and that Lords Lieutenant should no longer appoint officers to the Militia was proclaimed in triumphant tones. Now, the transfer of jurisdiction would most likely do harm rather than good, for, as was pointed out by his hon. Friend (Mr. Acland), local influence was a powerful element in recruiting. These forces had always been considered local forces, and it was in the interest of the country that they should be locally considered. It had always been thought necessary and desirable to keep the Militia and the Regular force distinct, in the interests of the nation; and it was through local influences especially that the Militia had been maintained at all. He held that this experiment would add nothing to their strength, and might turn out far less beneficial than they supposed. He was not surprised if the Lords Lieutenant did not object to it, because they had in some instances received but scant courtesy from the Government. Then, as to who were to be appointed, the Secretary of State said they now saw from that discussion the disadvantage that would arise if they laid down strict regulations; but, for himself, he deduced a totally different conclusion—namely, that it was ab-

solutely necessary they should know what were the regulations under which officers would be appointed. To judge fairly of the powers given by that clause and of their bearing, they ought to have before them—what they had endeavoured in vain to elicit—a distinct understanding as to the mode in which those powers in reference to the appointment of officers were to be exercised. As a Volunteer officer himself, he asked the Secretary of State the other night to state explicitly what he meant by that amalgamation of the Regular and Reserve forces as regarded the force to which he belonged, and the answer then given was that it was intended to appoint officers of the Regular Army to be adjutants of the Militia and the Volunteers. But that was what was really done at present, and though there was to be a change in the mode of appointment, they would still have the same class of officers—that was, of the Regular Army—appointed to the Militia and Volunteers as adjutants. Instead of being appointed, as now, by the Lord Lieutenant—who in most cases acted upon the nomination or recommendation of the officers commanding the regiment, and responsible for its discipline—they would be selected by the Secretary of State for War, irrespective of any such nomination or recommendation. He had ventured on a previous occasion to protest against that change in the interest of the force to which he belonged. Every man commanding a regiment, whether of Regulars, Militia, or Volunteers, knew that if he desired that his adjutant to work heartily with him for the good of the regiment, they must be on the most cordial terms. The appointment of an adjutant was almost as important as the selection of a man's wife. If a man and his wife did not agree together, things could not go on smoothly for the rest of their household; and it was equally important for the well-being of a regiment that its commanding officer and its adjutant should be cordial and friendly towards each other. Was that likely to be the case if the Secretary of State was to transfer any officer he chose from the Line to the Militia or the Volunteers to act as adjutant? The Government might, in magniloquent language, call that an amalgamation of their regular and Reserve forces; but he did not think it was for the interest of the service to make such an alteration as that

now proposed. It was difficult to believe that, after beating the big drum as they had been doing, the Government had no other change in the shape of re-organization to propose, except one which damaged the relative position of commanding officers and adjutants. He asked whether they had not something in the background, and whether they intended to officer the Volunteers and the Militia much more largely than at present with officers from the Regular Army. Before this clause passed, the Committee had a right to be informed as to what was the Government plan of amalgamation—whether that plan was to be confined to this infinitesimal part of their scheme of Army Re-organization, or whether there was something else in the background. He hoped that the Secretary for War would tell the Committee something clear and definite on that point.

LORD EUSTACE CECIL asked, whether it was the intention of the Secretary for War to make the appointments to the Militia for a period of five years? If the officers were to be constantly changed, it was possible that his plan would not work well.

COLONEL GILPIN stated that the law with regard to appointments of officers generally by Lords Lieutenant was, that the recommendation for a commission should be sent to the War Office, and if within 14 or 18 days no reply in the negative was received, then the commission was made out. With regard to adjutants, their appointments had always come direct from the Crown, but, as a rule, the commanding officer was consulted on the subject; for unless there was a cordial understanding between him and the adjutant, it was impossible that the well-being of a regiment could be maintained. He understood the Secretary for War to say that in future the adjutants to be appointed would be selected from supernumerary officers of the Line; but that would be a most unwise step, particularly with reference to Militia regiments. To deprive the Lords Lieutenant of their patronage was a doubtful expedient, because if the Militia were to be retained as a local force local influences must not be disregarded, and the best men in the county should be induced to join.

MR. A. F. EGERTON desired to know what would be the position of

Lord Elcho

existing adjutants, because if they were all to be deprived of their appointments five years hence, they must consider what they would do. From his own experience he was able to support the suggestion of the noble Lord the Member for Haddingtonshire (Lord Elcho), that such appointments should be made permanent, for if a supernumerary officer were to be appointed every five years, no commanding officer of either Volunteers or Yeomanry would answer for the efficiency of his regiment.

MR. ACLAND said, it by no means followed that an appointment made by the civil officer of a local force would be better than one made by a general of wide experience. It was clear that the Secretary for War intended to give full-pay officers Staff appointments of some kind connected with the Volunteer and Militia services. He hoped the right hon. Gentleman would not give way to the repeated charges from the opposite side, and especially from the noble Lord (Lord Elcho); but would retain in his own keeping the responsibility for which he was accountable to his Queen and country. It was impossible for him to work out these questions in the face of such a minority as he had to contend with. If the Reserve forces were to be of any real service to the country, they must submit to strict military discipline, and those who were to command them should be selected by responsible persons. Those who sat on that (the Ministerial) side of the House could not always say what was in their minds upon this subject. It must not be supposed that civilians had no opportunity of knowing something of the feelings of the Army. Their difficulty was that they could not altogether say what they knew was the opinion of the junior ranks, and perhaps of the senior ranks too. They could not say why the abolition of purchase was necessary. He hoped the effect of this discussion would be to make persons in high places take more trouble to become acquainted with the conditions of this civilian service, and he thought it would be well to send some of the best young men in the Army into subordinate positions—as brigade majors or assistant organizers—to work up these forces.

SIR JOHN PAKINGTON: I cannot help thinking that it would be better if hon. Members on the other side would

be content to do their own work, and perform their own duties, without lecturing us as to the manner in which we ought to conduct ourselves. When we were last in Committee we had the benefit of a lecture from the hon. and learned Member for Richmond (Sir Roundell Palmer), and now the hon. Member for North Devon (Mr. Acland) seems to have been so much encouraged by that example as to take the same course. The present discussion gives us a practical proof of the disadvantages under which we are labouring from the reticent and disingenuous manner in which this Bill has been introduced; and we have difficulty in discussing this clause of the Bill because of our ignorance as to the plans of the Government. There seems to be no difference of opinion between ourselves and the Secretary of State as to the object he has in view in filling up first commissions in the Army; but the question is, how it is to be carried out? He says, leave it to an understanding; but he has never told us what is to be the real system of passing officers from the Militia to the Line. Such, indeed, have been the statements on this part of the subject that, not only Members of this House, but the Lords Lieutenant of counties, who are to be made parties to this arrangement, have no idea how it will be managed. I do not object to the proposal of the right hon. Gentleman, but I think it ought not to be left vague and uncertain; especially as it is quite clear that if there is to be anything like an extensive system of passing officers from the Militia to the Line, very important patronage will rest in some quarter or other. It seems to me that such patronage, and the patronage connected with first appointments, should not be in the same hands. With this view I venture to move, as an Amendment, to insert in line 30, after the words "Her Majesty," "on the recommendation of the Lords Lieutenant of counties."

THE CHAIRMAN informed the right hon. Baronet that his Amendment being in line 30, while the question before the Committee related to an Amendment in line 24, was out of Order.

MR. CARDWELL: Whatever may be the impression formed by the right hon. Baronet with regard to the speech of my hon. and learned Friend the Member for Richmond (Sir Roundell

Palmer), I at least may object to certain kinds of lectures read to me by the right hon. Baronet. The noble Lord the Member for Haddingtonshire (Lord Elcho) spoke a short time ago about my sneering. I am not aware that I have ever sneered at the noble Lord, and I should be very sorry to do so. He also spoke about my magniloquence and my beating of the big drum. I am quite willing to leave it to the judgment of this Committee whether I deserve to receive lectures upon sneering, upon magniloquence, or upon beating the big drum, and whether the noble Lord is the person to give them to me. But the right hon. Baronet opposite (Sir John Pakington) has used a phrase—I do not know whether it is Parliamentary—which I take the liberty of letting him know he has no sort of right to apply to me—he used the word "disingenuous." The right hon. Baronet repeats it. It is an imputation of motive, and I believe that is un-Parliamentary. But whether it is un-Parliamentary or not, I beg leave to tell the right hon. Gentleman that I think I have served to very little purpose in this House for many years if I am not superior to a charge of that kind coming from the right hon. Gentleman. I will tell the right hon. Baronet what would be disingenuous. I should be disingenuous if I were to pretend to that forecast of the future which I am conscious I have not if I were to try to lay down, or to profess to lay down beforehand, in definite terms, that which I know must be the result of experience. You are going, if you pass this Bill, to endeavour to fuse together systems which have descended to us from our ancestors, which are very complicated in themselves, and the steps in the process of uniting them must be still more complicated. We propose to begin at the beginning, by placing them all under the same military government, and applying to them, so far as their respective natures will admit, the same rules of administration. We think it highly desirable that forces which are intended to take an important part in the military defence of this country should be placed under the command of colonels on the Staff of the Regular Army, under major-generals commanding in the districts, and under the military authorities as a whole, and not under the Lords Lieutenant of counties. We believe that by these means a beginning will be

[Committee—Clause 7.]

made of a much more complete system of intercommunication and fusion between the various forces than now exists. The right hon. Baronet may, perhaps, have power of forecast enough to know exactly the several steps and changes by which such a union can be effected. If he has, I envy him the gift. All I can say is that I should be happy if I possessed it, and very glad to communicate the results of it to him. But I think it would be disingenuous to profess to possess it when you know you do not, and to pretend to say that that can be done by one determination which, however easy to do when you have the conscription in your hands, you cannot do by one move and one measure when you have voluntary forces to deal with, every one of which you must carry along with you in every step of your progress. For if you take one step rashly, and find that you have displeased and disgusted them, you must either retire from it immediately, and adopt another expedient, or your whole system will fail. I am sorry to have been obliged to occupy the Committee with these remarks; but I certainly could not allow the phrase of the right hon. Gentleman to pass without some notice.

SIR JOHN PAKINGTON: If any word that can fairly be called un-Parliamentary has fallen from me, I shall at once, on receiving an intimation from the Chair to that effect, withdraw that word. But whether the word be Parliamentary or not, I must say that few things would give me greater pain than to say anything that would be considered personally offensive by the right hon. Gentleman opposite. I had no intention of imputing to him personally improper motives. But, on the other hand, we do feel deeply and strongly on this side of the House that we have been treated by the Government as we ought not to have been. We feel that there has been a want of candour, a want of frank communication of their intentions on this important subject, which we deeply lament, and at which we feel naturally indignant. I think we have a right to complain. We have complained of it again and again. There are many points relating to this subject on which, if it is not in the power of the right hon. Gentleman to give us an answer, I have no hesitation in saying that, in my judgment, he ought to be able to give us an answer. If he is not

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prepared to do so, I am obliged reluctantly to attribute it to their having brought in this great and important measure without that degree of forethought and preparation which any Government is bound to give to such a measure; and if Government is unable to give us the explanations we require, I say they ought not to have put this Bill upon the Table.

SIR MICHAEL HICKS - BEACH admitted that the plan of the right hon. Gentleman the Secretary for War of receiving subalterns into the Militia with the prospect of obtaining commissions after two years' service had succeeded to a great extent in filling up the ranks of subaltern officers; but whether their hopes of reward would be fulfilled was another matter. After what he had heard during that debate with regard to the far larger question of attracting officers from the Line to serve as ordinary officers in the Militia, he did not see how any proposal of that kind was to be carried out; because if officers from the Line—who had, perhaps, just obtained their company—were appointed as captains to a Militia regiment above the heads of those subalterns who had served for a long time in that regiment, these Militia officers would be disgusted at being passed over. If that were to be done, what encouragement was there for subalterns to enter the Militia at all? It was a most difficult thing to induce officers who had served in the Line to enter the Militia as subalterns, and he did not see how this part of the system of interchange between the two forces was to be carried out under the proposals of the right hon. Gentleman. The question of officering the Militia was in a very unsatisfactory state, and he suggested to the right hon. Gentleman that to effect an improvement in that particular the pay of officers should be increased; for if they required Militia officers, as at present, to be equally efficient with those in the Line, many men, to whom the pay was no object, would decline to expend the necessary time and trouble in order to qualify themselves for that position, so that they would be compelled to attract to the service a poorer class of officers, who were now deterred from it by the fact that the annual training commonly cost them £5 or £10 more than the pay which they received.

SIR EDWARD COLEBROOKE said, he thought it was highly desirable that some greater efficiency should be imparted to the Militia, which was a real reserve, and some fusion of it should be made with the Line, but that was attended with great difficulty and embarrassment, and caused great anxiety among Militia officers. One word of explanation from his right hon. Friend the Secretary of State for War might remove the anxiety. The difficulty to which he had referred was increased by the facilities which his right hon. Friend had given for making initial appointments in the Militia with a view to arriving at appointments in the Line. If the lieutenancies and ensigncies were filled up, an officer could not come in from the Line except by supersession, and the question arose how that supersession was to take place. He therefore asked his right hon. Friend by whose authority this supersession was to take place? His right hon. Friend had formerly stated that the appointments were to be made on the authority of the Secretary of State. No doubt the responsibility rested with him; but he wished to know whether the Militia regiments were to be placed for the future on the same footing as the Line in the matter of promotion? Looking to the feeling of officers of the Line and the Horse Guards towards citizen officers, there was no doubt that no appointment except the high appointments, which were coveted, would be made, and this would strike a serious blow at the present system. His right hon. Friend had told the House that young men were joining the Militia; but he feared they were joining under a great delusion. Many gentlemen said they had read Cardwell's speech, and it would be a good thing to send their sons into the Militia. But the time of disappointment would come with regard to the appointments, unless some clear indication were given by his right hon. Friend with regard to them. He thought his right hon. Friend should state publicly in his place that the responsibility of the appointments in the Militia would rest upon himself in a far greater degree than with regard to the appointments in the Line, and that with reference to appointments in the Militia he would exercise full control, with a desire of doing justice to the officers of Militia regiments, and with the view of

maintaining the *esprit de corps* which at present existed among them. He regarded the Militia as the true military school of the country. It might be easily embodied, and might be made far more efficient than it was at present. It could be easily disembodied without involving any half-pay or any pension list. All that depended on the local character of that force.

MR. CARDWELL entirely agreed with his hon. Friend (Sir Edward Colebrooke) that the Militia was the real reserve of the country. The appointment of officers would take place on the principle of seniority up to the rank of captain, and after that by selection. He had already stated with regard to the Army, and the remarks applied to the Militia, that it was not intended in the new arrangements in any way to interfere with the regimental system; but that, on the contrary, the principle of selection from the highest degree to the lowest would be exercised with a due regard to regimental considerations. He entirely agreed with hon. Gentlemen that the local principle of the Militia was most important, and that if there was to be a supersession of Militia officers by Army officers it should be upon the gravest grounds, and upon the most important recommendations. He was asked by what authority it would be done. He would answer the question in words that he had before used—the promotions would all be made on the same principles as in the Regular Army, the Inspector General of the Reserve forces being always consulted with respect to every promotion. A special responsibility would certainly rest on the Secretary for War; but the Inspector General of the Reserves would be consulted, because he would have before him the reports of the Generals of districts. He thought the Commander-in-Chief might also very reasonably be consulted.

MR. NEVILLE-GRENVILLE said, he thought nothing could be plainer in a former speech by the Secretary of State than that, after two years' service, Militia subalterns should have an opportunity of obtaining commissions in the Line.

MR. CARDWELL remarked that what he had stated was, that a certain number of subalterns of Militia regiments who had served for two years in the Militia regiments, and had obtained testimonials, should obtain commissions in the Line.

MR. HENLEY wished to ask the right hon. Gentleman at the head of the Government whether, if this measure were to pass, there would not be then a suitable opportunity for relieving the counties of the expense which they had at present to undergo in providing armouries and other matters for the Militia. The burden of expense had been increased considerably within the last two years. Those who paid local taxes felt it very much.

COLONEL SYKES suggested to the right hon. Gentleman that his principle with respect to the Militia should be promotion by seniority, and that promotion by selection should be the exception.

MAJOR GENERAL SIR PERCY HERBERT said, there could be no doubt that the great difficulty in organizing the irregular forces was the obtaining of a proper body of officers to command them. On a former occasion the right hon. Gentleman had stated that Militia officers who were to be transferred to the Line were transferred at present, and that they should be appointed in the same way for the future. It would be in the recollection of the Committee that in the early discussions on this Bill, when purchase met them at every turn, they were told that the appointment of officers of the Line was a thing that was perfectly impracticable until purchase was abolished. They were now told that the way in which they were to be appointed to the Militia was the same as before.

MR. CARDWELL explained that what he did say was that if there were any supersessions it would be on the recommendation of the Inspector General of Reserves instead of the Lord Lieutenant.

MAJOR GENERAL SIR PERCY HERBERT replied that the right hon. Gentleman had not said a word about supersession.

COLONEL LOYD LINDSAY said, it was no doubt a privilege to commanding officers to appoint their own adjutants, and the practice had worked well. It would be found that the adjutants of Volunteers throughout the service were an eminently deserving, eminently hard-working, and a useful body of men, and the explanation was that it had been the interest of the commanding officers to select the best men. It was possible that the exigencies of the service, and

the desire to facilitate promotion in the Army, might prove a strong temptation to the Minister of War to pass off upon the Volunteers officers who would not be so suitable. The adjutants of the Volunteers might compare more than favourably with an equal number of officers in the Line, and the general character and knowledge of their profession of the adjutants of the Volunteers had done much to raise the military profession in the opinion of civilians generally. He hoped, therefore, there might be a tacit understanding that the commanding officers of regiments would be allowed to recommend the adjutants who were to serve with them in the same way as the Lords Lieutenant had previously done.

MAJOR WALKER said, he considered that five years' service was infinitely too short for an adjutant of Militia to master all the duties of his position. The adjutant was also paymaster; he was the professional adviser of the officers on all professional matters, and it was, therefore, most important that he should be on the best terms with them. He had been asked to propose an Amendment in the absence of an hon. and gallant Friend of his (Colonel Ruggles-Brise), but he did not intend to press it. It was in page 5, line 36, after "Majesty," to insert—

"All first appointments to the rank of ensign or lieutenant in the Militia having been approved by the Lord Lieutenant of the county."

The right hon. Gentleman the Secretary of State for War stated that Lords Lieutenant should be consulted with respect to first appointments in the Militia, but Secretaries for War were neither politically nor physically immortal, and a Secretary for War might succeed the right hon. Gentleman who would not share his opinions on the point. He ventured to prophesy that as the Militia rose—and it was rapidly rising in the estimation of the country—those first appointments would become objects of the keenest competition, and it was, therefore, he thought, desirable that words should be inserted in the Bill, under the operation of which it should be the recognized duty of Lords Lieutenant to assist the Secretary of State in making them.

COLONEL NORTH said, he wished to know, whether the Secretary for War was to have the power, under the Bill, of removing officers of the Army to the

Militia against their will? If so, perhaps the right hon. Gentleman the Secretary of State for War would inform the Committee what would be the position of an officer who had been thus removed when the Militia regiment in which he held a commission was disbanded?

MR. CARDWELL said, that it was not in contemplation to take an officer from full-pay in the Army and oblige him to serve in the Militia. He thought it, however, extremely probable that many officers would be induced to accept service in that force. One object of the arrangement was to prevent the sale of adjutancies. In reply to the remarks of the hon. and gallant Member for Berkshire (Colonel Loyd Lindsay), he might observe that the great object was to secure the best men as adjutants. It was not desirable, in his opinion, to limit their appointments to a period of five years, and they were, therefore, left open to renewal. What he meant when he spoke of supernumeraries was, that when, for instance, a very good officer was taken from the Army and made an adjutant in the Militia, he should be allowed to remain as a supernumerary on his regiment, so that he might not lose his position in the Army.

COLONEL CORBETT said, he thought that by being placed in the position of a supernumerary in that way an officer might frequently be induced to give up his duties as adjutant in the Militia and return to his regiment. An officer ought not, in his opinion, to be led to look upon those adjutancies as merely temporary appointments. The service ought to be a real service, especially seeing the attention which it would be necessary to pay to the recruiting of the men.

SIR LAWRENCE PALK said, he must complain that the explanation of the provisions of the Bill had been so meagre that hon. Members were obliged to ask questions over and over again before they could obtain anything like a satisfactory answer.

MR. CARDWELL, in replying to the observations of the hon. and gallant Member for South Shropshire (Colonel Corbett), said, that under the Bill a commanding officer would have the power to remove his adjutant at the end of five years if he was dissatisfied with him, or to recommend him to be continued in the position if he was satisfied.

LORD ELCHO said, the discussion showed upon what slight grounds the Government had asked the country to undertake this large expenditure. With regard to Volunteer adjutants, he had heard with extreme satisfaction that they were not to be forced upon commanding officers, and that some security would be taken against the improper sale of these appointments. The simplest rule would probably be that the commanding officer should never listen to the recommendation of the retiring adjutant. He was also glad to hear that these appointments were to be terminable every five years. But it was clear from what the right hon. Gentleman the Secretary of State for War had stated as to the appointments both of adjutants and of Militia and Volunteer officers that they were left very much as at present. That being so, what became of the great scheme of the Government, and where was the necessity for incurring this large expenditure? The alleged ground for the expenditure was the necessity of amalgamating the forces, and practically the Government were going to leave things pretty much in their present state.

LORD CLAUD HAMILTON said, he was gratified to hear the explanation of the right hon. Gentleman the Secretary of State for War, for the original proposal had created some alarm. He urged that the Militia regiments should be made feeders to county regiments, so that a stronger tie should be made between the two.

COLONEL DYOTT said, that if the Government intended that no officer should join the Militia service except he began at the bottom of the list—except he entered a Militia regiment—he believed it would be difficult to induce officers who had served in the Line to enter the Militia service.

COLONEL STUART KNOX wished to know whether the position of the existing adjutants would be interfered with.

MR. CARDWELL said, that in his speech on the 16th of February he had mentioned the expediency of having regiments recruited in their own districts, and had also mentioned the proposal with regard to Volunteer adjutancies. So long as existing adjutants were well reported of they would not be interfered with.

Amendment agreed to.

[Committee—Clause 7.]

SIR MICHAEL HICKS-BEACH moved at end of clause to add—

"From and after the passing of this Act, no officer holding the rank of honorary colonel in a regiment of Militia, Yeomanry, or Volunteers shall be entitled to recommend persons for appointments to commissions, or for promotion, or in any way to interfere in the command of the regiment."

MR. CARDWELL said, the appointment of honorary colonel was purely honorary, and if there were any regulations giving honorary colonels the power referred to by the hon. Baronet he would cancel it; but as he was informed that the privilege depended merely upon regulation, he did not think it right to end it by means of a statute.

Amendment, by leave, *withdrawn*.

On Question, "That the clause, as amended, stand part of the Bill,"

EARL PERCY, who had given Notice of his intention to move the omission of the clause, said he would not propose his Motion, as he felt he should not be able to carry it; but he doubted whether the Militia would continue to retain its local character, considering that half-pay officers were to be appointed to commissions; that the Secretary of State was to have the power of choosing the adjutants; and that the Lords Lieutenant were to be deprived of the power of appointing officers above the rank of subaltern.

Clause, as amended, *agreed to*.

Clause 8 (Number of auxiliary forces).

LORD ELCHO said, he wished to make a few remarks with regard to the Militia Reserve. He hoped the right hon. Gentleman the Secretary of State for War would, either this year or the next, take into his consideration what was the design of General Peel in framing that Reserve—namely, that for every man who joined the Militia Reserve another man should be raised in the Militia regiments. If they could get men of proper age and *physique* to enter the Militia Reserve, they would have a valuable body on whom they could lay their hand in time of emergency. The Militia Reserve was one which he thought should be cultivated and improved; and in order to effect that object he thought their pay should be increased. Another question was that of the Militia volun-

teering by regiments for foreign service. Whenever war had occurred—for example, during the Crimean campaign and the Indian Mutiny—the Secretary of State, in the difficulty he experienced of finding men for the Army with the comparatively small force that we possessed, and of meeting the demands for garrisons and other purposes, had made an appeal to the patriotism and gallantry of the officers and men of the Militia to volunteer for foreign service, to which they were not bound by the terms of their engagement. That appeal had never been made in vain, and some 18 or 20 regiments had volunteered and served as garrisons in the Mediterranean stations. The Militia was almost like a second Army for foreign service. If, as believed by some authorities, and, he understood, by Lord Norreys in particular, there were many Militia regiments which would, like that nobleman's own, the Berkshire Militia, be willing to volunteer to be inscribed on a list where they would remain permanently as regiments of Militia ready for foreign service, the Government would know at once that, besides their Regular Army, they had a force to rely upon for foreign service. A high standard of efficiency might be adopted, and the regiments which came up to that standard might be placed on such a list. The Militia was often spoken of as the backbone of our military system; but we did not make the use we might and ought to do of that backbone. If we used our Militia not as that distinguished authority, Lord Sandhurst, recommended lately in "another place," but as General Peel had suggested, they might, with the local connection of the regiments, establish a sound system. He trusted the Government would give their serious consideration to that matter, in which he believed the solution of many of our difficulties would be found.

SIR JOHN PAKINGTON said, he concurred in what had fallen from the noble Lord (Lord Elcho), and regretted that in 1867 he did not introduce the provision which General Peel had contemplated. Whatever might be the result of the proposal of the present Government in regard to short service, the forming of an Army of Reserve, and so on, there was no Reserve in which he had half so much confidence as in our Militia.

Mr. CARDWELL, without going into the future, which he hoped he would be excused from doing, with so much now upon his hands, remarked that the clause before them made the whole of the first Army Reserve of the Militia Reserve, and of the Militia, free from any statutory limit, and to consist of such a number of men as Parliament might from time to time provide.

MAJOR GENERAL SIR PERCY HERBERT said, he approved establishing relations between regiments of the Militia and of the Line, but hoped due care that regiments were sent to those localities with which they were connected, because it happened that some regiments were known by the name of counties from which they had not recruited a man for several generations.

LORD ELCHO hoped that trifling matters, such as the particular form of a button, distinguishing a regiment, would not be altogether done away with, because, although trifling, they weighed with the class from which recruits were enlisted.

Clause agreed to.

Clause 9 (Enlistment in Militia under ordinary circumstances to be voluntary).

Mr. CARDWELL proposed the omission of the clause.

LORD ELCHO said, he must repeat his conviction that if the country desired a strong military force, it must adopt the compulsory system in some form or other, however modified. The principle of home defence in this country had always been that every British subject should come forward, if called upon, to defend his country, and when it was seen that almost the first act of the French Government was to introduce the Prussian system, making foreign as well as home service compulsory, it was high time that some steps should be taken in this country in the same direction. At present the Government had no control over the 170,000 Volunteers now enrolled; but that control could be obtained, and that force could be maintained at a high rate of strength by making it obligatory on all men to serve in some form, and making service as a Volunteer confer the right of exemption from something worse. If any Government had the courage to propose that, and risk their places on carrying it, on the ground that the state of neighbour-

ing nations required it, he believed the country would respond to the appeal. Without some such provision the Army could not be organized sufficiently; and he desired to enter his protest against a system founded on any other basis than compulsory service.

Mr. CARDWELL said, he rejoiced in the admission that if this Bill did not remedy the disorganized condition of our Army, neither would any other Bill, unless it were founded on compulsory service. Compulsory service, however, was at this moment the law of the land; but each year an Act was passed suspending that law, and he presumed this year would be no exception to the rule.

Clause struck out.

Clause 10 (Training for Militia).

SIR WILLIAM RUSSELL moved as an Amendment, the substitution of the word "less" for "more" at the end of the clause. If the Militia were to be made really efficient, their preliminary instruction ought to consist of a year's training, and then they would form a force which could be thoroughly relied upon. Another point which he wished to call the attention of the Committee to was the age at which troops were sent abroad. Soldiers under 20 years of age ought not to be sent abroad, and the mortality among the troops sent to India below that age had been exceedingly great.

MAJOR WALKER said, he agreed that the preliminary instruction of the Militia ought to be increased to the greatest possible amount compatible with the interests of the service, but there were important difficulties in the way of such an Amendment as this. If the preliminary training were increased to 12 months it was very questionable whether recruits would be obtained in anything like large numbers, for most men would not consent to give up a whole year of their time for the purpose of military drilling. In fact, the inducement to enter the Militia was different to the Line, as men generally entered with the idea of enjoying a holiday. The clause provided that the men were to attend for drill at the time and place appointed by the Secretary of State, and that, of course, meant that they were to be trained at one of the new headquarters which it was proposed to establish, and in doing that he had no doubt

[Committee—Clause 10.]

the desirability of keeping up the local connection would not be lost sight of. But this might be dangerous, for the men sent to these training centres might be put under instructors other than those of their own regiments, and, probably, under men belonging to regiments of the Line, and in that way there would be a tendency to cry up the Regulars and give the recruits themselves a contempt for the Militia. One thing that ought to be done was, the establishing of a really well-instructed body of non-commissioned officers, irrespective of the members of the permanent Staff; and their yearly period of training ought not to interfere with their other employments, for they were just the men who, from their steadiness and sobriety, obtained the best civilian vocations.

MR. CARDWELL said, he cordially concurred in what had fallen from the hon. and gallant Gentleman (Major Walker) and observed that the powers conferred by this clause would not be so used as to lead to any inconvenience. He trusted the hon. and gallant Gentleman the Member for Norwich (Sir William Russell) would be content with the discussion which had arisen, and not press his Amendment to a division. He quite agreed in the opinion that if they were to train a man for a year at a time they would get no Militia recruits at all, and if they did the men so trained would cost as much as, and become soldiers, and not remain Militiamen.

LORD ELCHO said, he would suggest that non-commissioned officers should be allowed to qualify themselves in the manner now permitted to the Volunteers—that was to say, by the capitation grant, a plan which would do away with the necessity of their preliminary yearly training at stated periods.

SIR WILLIAM RUSSELL said, the present system of Militia training was unfair and unjust to the Militia, and an unnecessary expense to the country. Unless the men were trained for a longer period they could not be expected to become soldiers.

COLONEL BARTELOT said, he was of opinion that all Militia recruits should undergo a continuous training of not less than six months at least.

Amendment negatived.

COLONEL CORBETT moved to add at the end of the clause the words "or less

Major Walker

than three months." He thought it would be better to retain the men for training during three months when they first offered themselves, and when they would probably be out of work and able to remain, than to call them up a future date; not only that, but it was of no use training a man for less than three months, for it took at least that time to make a man an efficient soldier.

MR. CARDWELL said, he did not think three months at all too long a period for the training; but he did not think the House, which was very jealous with regard to questions of military expenditure, would do well to bind itself by statute with regard to future Estimates. The matter would be better left to the Executive Government acting under the control of Parliament. In addition to this, the exigencies of the labour market in different parts of the country would render it extremely difficult, if not impossible, to carry out the proposals of the hon. and gallant Gentleman.

LORD ELCHO said, he would suggest that increased efficiency on the part of the Militia might be obtained without inconvenience to trade if the system adopted in the Volunteer force were extended to the Militia, and the men were allowed to attend their necessary drills at the times most convenient to themselves. There should be circulating serjeants passing from village to village with boxes of rifles, and the young men could be drilled on the village green, receiving 6d. or 1s. as the case might be, which they would probably spend in what he would hope might, by the time contemplated, be described as unadulterated beer. By adopting this plan, a saving might be effected, in their being able to shorten the period of the annual training.

COLONEL ANSON said, he thought the value of the periodical training was that it taught men discipline as well as drill.

MR. ACLAND said, that if his noble Friend (Lord Elcho) would visit him in Devonshire he would show him some boxes similar to those of which he had spoken, and which were used ten years ago. He would suggest, further, the importance of the training officers being more carefully instructed in their duties.

COLONEL CORBETT said, under the circumstances, he would not press his

Amendment; but suggested that the commanding officers of the district should be consulted as to the possibility of periodical training being continued.

COLONEL STUART KNOX said, the hon. Member for North Devon (Mr. Acland) should remember that the men who taught the Militia their drill were the same as those who made the best Regular soldiers in the world.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 11 to 14, inclusive, *negatived*.

Clause 15 (Application of Mutiny Act to volunteers when in training).

LORD ELCHO said, he should not trouble the House with reference to the clause at present, as he had not expected it would be reached that night; but on the Report he should move its omission if the hon. Member for Glasgow (Mr. Anderson) did not press the Amendment of which he had given Notice.

COLONEL BARTTELOT said, he thought the Volunteer force, valuable as it was at present, might be rendered far more valuable. If the Secretary of State for War would firmly handle this question, and determine what was essential for the welfare of the country and of the Volunteers, the latter would respond to any proposal he might make. He believed they would even consent to be called out every year for seven or eight days' service with the Regular Army.

COLONEL WILMOT said, he cordially accepted the clause, but thought there would be difficulties in the way of carrying it out.

MR. CARDWELL said, the clause had been inserted because the Government were willing that those Volunteers who were willing to come should be brigaded with the Regular troops.

LORD ELCHO said, he should like to know whether there were any provisions in the Mutiny Act suitable to the Volunteers. It was absurd to put men under an Act which would not enable the authorities to punish them, especially when the Volunteers were kept in a state of excellent discipline by the power possessed by those in command of instantly dismissing men for bad conduct.

MR. ACLAND said, he did not think the practical difficulties were as great as the noble Lord seemed to fancy. The

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old Yeomanry were originally under that Act.

LORD ELCHO said, the Yeomanry were paid, whereas the Volunteers were an unpaid force. If the Volunteers were called out in service they would be paid, and would naturally come under the Mutiny Act. Considering the circumstances under which the Volunteers had been called into existence, and the state in which they had been kept for 12 years, nothing had occurred to put upon them the slur of being placed under the Mutiny Act.

Clause *agreed to*.

PART IV.—SUPPLEMENTAL PROVISIONS.

As to Sale of Commissions.

Clause 16 (Appointment of Commissioners to compensate officers).

COLONEL BERESFORD said, he would move as an Amendment, in page 8, line 34, to leave out "three," and insert "five;" and in page 9, line 5, to leave out "two," and insert "three," so that there should be five instead of three Commissioners. He might also mention that Clause 19 prevented any appeal from the decision of the Commissioners.

MR. CARDWELL said, the business devolving on the Commissioners would not be heavy, though the business devolving on the actuaries, perhaps, might be. It would be very unwise to have a large number of Commissioners, especially as they would have to be paid. No appeal was allowed, because they were really intended to act as a Court of Arbitration; and the Bill defined their duties so clearly, that gentlemen of good sense and intelligence would have no difficulty in discharging them.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 17 (Appointment of clerks by Commissioners) *agreed to*.

Clause 18 (Powers and duties of Commissioners).

COLONEL ANSON asked the right hon. Gentleman the Secretary of State for War to accept the following Amendment:—In page 9, line 15, after the word "commission" to add the following words:—

"And having ascertained such prices, the full sum shall be given in every case, without any deduction whatever in consequence of higher pay in

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[Committee—Clause 18.]

any superior rank, or of any subsequent selection to higher rank, or in consequence of any temporary depreciation of the value of a commission in consequence of being stationed in unhealthy climates or in consequence of foreign war, and the only grounds on which any reduction shall be made shall be on account of value previously received in money; and in all cases which may arise in which it may be discovered that an officer has been unable to sell previous to the day appointed for the abolition of purchase owing to temporary causes, such as there being no purchase officer willing to give the customary over-regulation price, or in consequence of there being a supernumerary in one of the ranks of the regiment, then full compensation shall be given to such officer as if no impediment had existed in the sale of his commission."

MR. CARDWELL, although he thought that the clause would effect what was intended in the Amendment, promised to carefully consider the suggestion.

Clause agreed to.

Clause 19 (Decision of Commissioners to be conclusive) agreed to.

Supplemental Provisions as to the Ballot.

Clauses 20 to 24, inclusive, negatived.

Rules by Secretary of State.

Clause 25 negatived.

PART V.—MISCELLANEOUS AND DEFINITIONS.

Power of Government to take Railroads on Emergency.

Clause 27 (Power of Government on occasion of emergency to take possession of railroads).

MR. C. FORSTER, for Mr. LEEMAN, moved, in page 18, line 5, after "thereof," insert "and may take possession of any plant without taking possession of the railroad itself."

Line 7, after "direct," insert—

"And the directors, officers, and servants of any such railroad shall obey the directions of the Secretary of State as to the user of such railroad as aforesaid for Her Majesty's service."

Amendments agreed to.

Further Amendments made.

Clause, as amended, agreed to.

Barracks and Land.

Clause 28 (Power of county or municipal boroughs to build barracks).

SIR JOHN PAKINGTON said, although the clause was to be withdrawn, he should be glad to hear what were the views of the Government on the subject,

Colonel Anson

because, with the present pressure of local taxation, there was no chance of any county building barracks. The whole Militia force could hardly be put under canvas, and it was very undesirable that Militiamen should be exposed during the period of their training to the demoralizing associations of country towns.

MR. CARDWELL said, he had been in hopes that counties might combine to build barracks for the Militia, considering that money would be lent by the Treasury, and that billet money might be applied in paying a portion of the interest; but looking to the large expense that would be incurred, and the short period the barracks would be occupied, and also to the state of feeling which prevailed in regard to rating, he thought it better to withdraw the clause.

SIR JOHN PAKINGTON said, he considered that his right hon. Friend had done wisely in not pressing the clause on the attention of the House. But the Government might avail themselves of the powers they possessed and group counties for the building of barracks; he did not think the counties possessed the power of combining for that purpose. Barracks might be built on an inexpensive scale, to be occupied by different regiments in succession. He saw no reason why the embodiment of the Militia should not be spread over more than the months of April and May, September and October, when harvest was over, might be made equally available.

MR. CARDWELL observed, that the calling out of the Militia at any period of the year depended on the labour market; but they had also to guard against a great amount of fraud which might be practised by the same person receiving the bounty of different Militia regiments.

Clause negatived.

Clauses 29 to 31 negatived.

Clause 32 (Power of militia and volunteer corps to acquire land for any necessary purposes) agreed to.

Penalties and Saving Clauses.

Clauses 33 and 34 negatived.

Clause 35 agreed to.

Definitions.

Clause 36 *agreed to*.

MR. CARDWELL moved to insert, after Clause 26, a new clause (Order as to billeting and quartering of Militia).

Clause *agreed to*, and *added to the Bill*.

MR. STAPLETON moved to insert the following new clause:—

(Militia liable to serve in parts of Europe.)

"The general Militia shall be liable to serve in any part of Europe, except those parts which are under the dominion of the Emperor of Russia or the Sultan; but every soldier and non-commissioned officer who shall have enlisted, and every officer whose commission shall bear date before the passing of this Act, whose regiment shall be ordered on foreign service, shall be entitled to elect to remain in the United Kingdom; and such soldiers, non-commissioned officers, and officers as may so elect to remain in the United Kingdom shall serve with or constitute the depôts of the regiments to which they respectively belong."

The Militiamen ought to be enlisted on the understanding that they were to serve in any part of Europe, and the officers ought to accept their commissions on the same understanding. Foreign countries ought to be made aware that in the event of our being involved in war we could immediately turn our Militia to account. It would be easy to make the Militia efficient troops, and thus place at our disposal a fine force without the expenditure of a single additional farthing. Eminent generals had expressed an opinion in favour of the principle involved in his clause, the insertion of which in the Bill he begged to move. The limit as to Turkey and Russia was inserted to show that he did not think the Militia would be called upon in wars undertaken merely on account of India. Any other wars in Europe must be regarded as having for their ultimate object the safety of our own shores, the defence of which was the proper function of the Militia.

Clause read a first time.

On Motion, "That the clause be read a second time,"

MAJOR WALKER, as a Militia officer, opposed the clause, not on the ground of a reluctance to serve abroad, but because he believed that it would prove an obstacle in the way of recruiting for the Militia, for the class of men who entered that force being taken from the lowest strata of society were very suspicious of

contracting new engagements. It was the more unnecessary to introduce such a provision into the Bill, inasmuch as during the Crimean War no less than 40 Militia regiments had volunteered for foreign service. He trusted that the House and the country would have sufficient confidence in the patriotism of the Militia, and would leave them a free choice in the matter.

MR. STANLEY said, he must remind the hon. Member who had moved the clause, that when this country was at war, the volunteering for foreign service by the Militia had not only been by regiments, but also by individual Militiamen volunteering to serve in the Line, which had thus obtained a considerable accession to its strength. The proposal, moreover, was objectionable in regard to its limitation.

MR. CARDWELL hoped his hon. Friend would not press his clause to a division.

MR. STAPLETON said, he believed that although a great number of the Militia would be very unwilling to go to India, they would be very willing to serve on the Continent of Europe. He would, however, withdraw the clause.

Clause, by leave, *withdrawn*.

MR. WHEELHOUSE, in the absence of the hon. Member for East Sussex (Mr. G. B. Gregory), moved a new clause—(Power to Commissioners to commute).

Clause, by leave, *withdrawn*.

MR. WHEELHOUSE, in the absence of the noble Lord the Member for Middlesex (Lord George Hamilton), moved, after Clause 23, to insert a new clause—(Compensation to clerks of general meetings).

THE CHAIRMAN said, the clause could not be entertained by the Committee, because it was not covered by the preliminary Resolution passed with reference to the Bill.

LORD JOHN MANNERS asked, whether Her Majesty's Government proposed to consider the question raised by the clause?

MR. CARDWELL said, he was afraid he could not hold out any hope that the Government would think it right that these clerks should receive compensation.

SIR JOHN HAY moved the following clause:—

Officers to lodge security in aid of retirement.

"Be it further provided, That, after the passing of this Act, each officer shall, on receiving his commission in Her Majesty's Army, lodge a sum of money not exceeding five hundred pounds, in the hands of the Accountant General of the War Office, and that on each succeeding step of rank to which the said officer shall be promoted, he shall lodge such additional sum as may be deemed necessary; each officer shall, on retiring from the Army, if he shall have not been cashiered, receive back as a bonus, or as an annuity, the sums of money he shall have so lodged, with such increment as may be due at the rate of three and a half per cent."

The hon. and gallant Baronet said, there was hardly a trade or civil profession which did not require that persons on entering it should, either by themselves or their friends, lodge a sum of money, or enter into a bond with the view of securing their good behaviour. In the Navy, security for good behaviour on the part of those who entered it was required to a considerable amount. He thought the country was entitled to obtain from those who were about to serve it in the Army that security for good behaviour which was required in the other professions in the State. There was this further consideration, that the adoption of the clause would relieve the country of an enormous amount, which was now paid to officers on retirement.

THE CHAIRMAN said, the same objection applied to this clause as to the last—namely, that it was out of Order to move the clause, as it was not covered by the original Resolution.

Committee report Progress; to sit again upon *Monday* next.

PRAYER BOOK (TABLES OF LESSONS)
(re-committed) BILL—(Lords)—[BILL 181.]
COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. LOCKE KING, in rising to move that the Chairman do now leave the Chair, said, he could not help thinking that everything connected with the Bill was unsatisfactory and inconvenient. The time when the measure had been previously brought before the House was inconvenient, and the usual practice of making a statement with regard to a Bill had not been followed by its promoters. A Committee upstairs would be a much better place to discuss Amendments on a religious question like this than a Committee of the Whole House.

Sir John Hay

It was said that the Bill ought to pass because it had come from a Royal Commission. Well, a great deal was expected from that Commission, but it had done very little, and that little very badly. Alterations had been proposed which caused surprise, and others omitted where decision was necessary—for instance, the Rubric on ornaments, by the misinterpretation of which so many innovations had been introduced, and for removal of which the Commission had been appointed, was left untouched. Moreover, this Bill was a mere fragment of what had been recommended. The Commission showed all the weakness of compromise, and that House, also, was expected to show its weakness by accepting the compromise. That the Government should undertake a small Bill like this was by no means satisfactory. If they passed this Bill they would soon have another disturbance with regard to the Prayer Book, and then another Commission. It was said the trade was disturbed, and for that reason this Bill must pass. Whose fault was that? It rested with one or two Prelates, who assured the trade the Bill would pass last year, and, in consequence, the new Prayer Books were printed. If trade complained, the people would complain if that alteration was made. There was a great deal of sentiment connected with the Prayer Book. People were attached to their own Prayer Book—they did not like to change it. It was more than 200 years since it had been disturbed in any way, and if they were now to make any alterations, let it be done in such a way that those alterations would last at least for two or three generations. No one could say if this Bill passed that it would not be necessary that considerable alterations should be made in the Prayer Book at no distant day. Many of the clergy were themselves opposed to the Bill. The Archbishop of Canterbury said that other important recommendations of the Commission should be embodied in it, or it might be said we had been treated deceitfully; and Canon Trevor also objected to it. *The Guardian*, *Church Times*, and *The Record* recommended the postponement of the measure; and he had a letter from a clergyman, who objected that the Lessons provided by the Bill were not, on the whole, an improvement on the old Lessons; that a large portion of the Proverbs now read were omitted, and

that neither the clergy nor the laity had been practically consulted upon the matter. The principle was admitted that a portion of the Apocrypha should be excluded, and he would ask why the whole of it should not be excluded, as it was uninspired? Another objection was, that either the Old or the New Prayer Book could be used, so that people would have to take both "Church Services" to Church, because they could not know beforehand which one would be used. Added to all those objections, there was a general feeling among Churchmen that the Bill was unnecessary; and for all those reasons combined, he would now move that the Chairman do leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Locke King.*)

Mr. BRUCE said, he thought the objections ought to have been taken at an earlier stage, because they amounted to an absolute objection to the measure. The Government felt that had they attempted more than was contained in the Bill, it would have been impossible to carry any measure, certainly during the present, and, perhaps, in any future Session. There was such a diversity of opinion on other points referred to the Commission that it was impossible to say that the views of the Church outside this House had been clearly pronounced respecting them. Under those circumstances the Government had to consider whether they would act upon this portion of the Report of the Commission containing the Lectionary, or abandon altogether the hope of legislation; and they believed that though, among 20,000 clergymen, it was impossible to expect unanimity, the Bill represented the general feeling of the clergy. The Commission was carefully selected; it was fairly representative, consisting of both clergy and laity; they selected from their body a committee of men best qualified to consider the alterations in the Table of Lessons; the committee made a unanimous Report to the Commission, who adopted it as unanimously. These proposed changes were referred to the Universities and to various persons of authority in the Church. Finally, they were considered and adopted by Convocation, although a difference of opinion occurred there; and while Convocation was, perhaps, an imperfect re-

presentation of the Church, it was the best we possessed, and he did not know what other steps could be taken to ascertain the opinion of the Church. The Government, therefore, felt it their duty to introduce a measure founded on this part of the Report of the Commission, and for that reason, he felt himself compelled to resist the Motion. They had accepted certain Amendments which would allow time for persons to become accustomed to these alterations; but the details of the measure were such as could not properly be considered either in that House or in a Select Committee. He, however, trusted his hon. Friend would withdraw the Motion.

Mr. HENLEY said, he should support the Motion of the hon. Member for East Surrey (Mr. Locke King). He would not say whether the change was a good or a bad one, nor had he one word to say against the composition of the Commission who recommended it; but who asked for it? What Petitions had been presented in its favour, except from printers who would profit by it? Look at the tens of thousands of people whose minds, by this change, would be disturbed. God knew they were disturbed enough already in going into churches. Constant novelties there hindered them from knowing whether they stood on their heads or their heels. But that Bill would make confusion worse confounded, for by one of its provisions the minister was to be allowed to decide in the morning whether he would read one Lesson or two. The humbler classes among them stuck to tradition, and the existing Lessons had long prescription in their favour. Unless a great advantage could be shown as resulting from the change, why make it? Highly-educated persons might understand why it was made, but not humbler folk. Nor did this matter stand alone. The Convocation of one of the Provinces, of their own hook, had chosen to set to work upon the Bible, so far as he knew, without authority from anybody. Who could tell at the end of seven years how much of the Bible would be left? He believed such a change as that would be injurious not only to the Church, but to the faith which in different forms most of them professed, and he thought it was entirely uncalled for.

Mr. BUXTON said, that having served upon the Commission, though not

on the Committee, he thought it was impossible that anybody could be appointed more entitled to the respect and confidence of the country. The Committee showed clearly that the proposed changes were improvements; the work of selection had been admirably done; and he believed it would tend not to disturb but to satisfy public feeling, when the feeling occasioned by its novelty had worn off.

MR. MONK said, he had nothing to say against the composition of the Committee, the fairness of which he did not dispute; but the great questions submitted to the Royal Commissioners remained entirely unsolved by this Bill, which only dealt with the Lectionary and the arrangement of the Calendar; and in that respect he thought they were somewhat unfairly dealt with, after reading the Bill a second time without discussion, in being told they must either accept or reject it as a whole. In some respects he did not think the new Lectionary an improvement on the old one. Many of the Lessons were seriously curtailed, and in some cases six or eight verses were substituted instead of a whole chapter—a change that he could not approve of. As to the alleged assent of Convocation, did that body really represent the Church of England—laity as well as clergy? Let Convocation first of all reform itself, and then the House would be able to leave the consideration of these matters to it. If the Bill passed, a serious tax, amounting it was calculated to £30,000 or £40,000, would be imposed upon 13,000 or 14,000 parishes, which were now bound to provide Prayer Books of a large size for use there, and how was this money to be raised, now that church rates were abolished? He should support the Motion.

MR. SERJEANT SHERLOCK said, it was to be regretted that such a tribunal as that House should be called upon, by way of appeal, to determine questions in which a large number of hon. Members took no interest whatever. The House of Commons consisted largely of Nonconformists, Catholics, and Jews, yet they were called upon to decide as to the form of prayer which the Church of England should adopt. He did not think that House was a proper tribunal to decide whether or not certain portions of the Apocrypha, and certain books of Moses, were to be read; and the Church

of England would have acted more wisely by submitting the matter to some domestic tribunal of its own, than by throwing this obstacle in the way of disposing of the great mass of public measures before the House, and which were more to the public interest.

MR. GLADSTONE: If my hon. and learned Friend the Member for the King's County (Mr. Serjeant Sherlock) had had more acquaintance with the circumstances of the case, and the history of legislation in this country, he would have found that there was some answer to his observations. As long as there is in the country a Church which has the character of a national Church, it would be a great anomaly—in fact, it would be intolerable—that changes should be introduced into its fundamental arrangements, and into its service, which were compulsory by law, and enforceable under penalties, without consent of the Legislature. My hon. and learned Friend feels that there is an incongruity in submitting to the Legislature such details. No doubt there is incongruity; but if he had referred to the history of the country he would have found that such incongruities had, on former occasions, been cured by the good sense of Englishmen, and especially by the good sense of the House of Commons. This is not the first time that a Bill of this character has been submitted to the House of Commons, but on every occasion on which there has been such a Bill the House of Commons has felt that it was essentially ill-constituted for the purposes of an ecclesiastical synod, and has been content to take a broad view of the measures submitted to it, and either to accept or reject them as a whole. I hope the House will not adopt the Motion of my hon. Friend the Member for East Surrey (Mr. Locke King). I am certain it would be far better for us to decline to deal with the Bill altogether than to set about patching it in Committee, according to the individual fancy of this or that Member who thinks that he, by the strength of his own will, could affect this or that particular improvement, and that he could amend it, independent of the great authority which stood arrayed on behalf of this Bill. Let us look whether it is or is not wise to reject this Bill. Individually, I am, like the right hon. Member for Oxfordshire (Mr.

Mr. Buxton

Henley), very thankful for the Table of Lessons we have in the Prayer Book, and I should have been perfectly well content to leave to other generations the consideration of its improvement. But when he says—"Who have asked for improvement?" I am bound to say that many considerable persons have asked for it. Great authorities have asked for it. Reference has been made to Convocation. Convocation, though not strictly a representative body, yet is an important body, and represents a large mass of the opinion of the class which of all others is most interested in the question. Convocation in both Provinces has given its assent to this change; the House of Lords has given its assent to the change; and these three bodies—the Commission, Convocation, and the House of Lords—are not bodies of which it can be said that they are of too radical or too reforming a character. The right hon. Gentleman asked—"Why shake the minds of the people?" I feel with him about shaking the minds of the people; but I think it would be an exaggeration for me to say we are confronted by changes. There is no change here in the customs and belief of the Church, and the sound of the ancient English Scriptures; they still sound as before in the ears of the English people; and though the people are attached to the services of the Church, yet I do not think they are so acquainted with the Calendar and the chapter, and verses of the chapter which are to be read on each Sunday, as to detect the change which is to be made. The right hon. Gentleman referred to the choice between one Calendar and the other; but it is only fair to say that Government, in venturing to introduce that Amendment into the Bill, did not intend to act on any principle of giving effect to their own individual will. It never entered into the head of anyone that congregations would go backwards and forwards capriciously from one Calendar to another. The consideration which weighed was that in many parishes it would be a hardship to purchase Prayer Books with new Calendars, and in any case it would be undesirable to provoke opposition by proposing the necessity of a sudden change. That was a matter for which—though we have introduced such a change—we certainly had no strong opinion of our own to urge if

we should be proved to be wrong. But though there is no general discontent with the general Table of Lessons, I think, upon the whole, this new Calendar has been favourably received by the country, and it is with that belief that it is now proposed, and not from any impatience to change the existing form of service, which years of use have endeared to so many persons. Nevertheless, after all those bodies I have referred to, possessed of great authority in the matter, have assented to the contents of the Bill, I think that no sufficient reason has been shown why this House, though modified in its constitution in recent years, should decline to accept a measure of this kind; for the House has, on several occasions, dealt with measures affecting the temporal and spiritual arrangements of the Church. I admit the great unfitness of the House to discuss and modify in detail a Bill of this character, but that does not constitute a reason why, as a legislative and deliberative Assembly, it should withhold its general assent to a measure which has undergone great consideration, and has received the assent and approval of a large body of the community interested in the subject. I trust, therefore, the House will not agree to the Motion.

VISCOUNT SANDON said, he wished to ask the Prime Minister, whether, by accepting the legislation that was proposed by the Royal Commissioners on this point, the Committee would be precluded from subsequently dealing with their other recommendations? The hon. and learned Member for Gloucester (Mr. Monk) had cast some aspersions on the conduct of the Royal Commissioners, but if he took the trouble to read the *résumé* of their Report that had been prepared by one of their number, he would feel that their recommendations were worthy of the consideration of all thoughtful men. In the first instance, he was of opinion that it would be well to leave this matter alone; but having since had the opportunity of very carefully considering the subject, he had come to see the immense superiority of the new Table of Lessons over the old one, and he should be loth to stand in the way of the adoption of so great an improvement. The Government had already made a concession as to the liberty to be granted to clergymen with respect to the

use of the new Lessons, in proposing that no one should be obliged to read them until 1879; but it would be more in accordance with the present state of public feeling if that liberty were extended for an indefinite period, and clergymen had the alternative of using either the old Lessons or the new ones. The opinion of Churchmen would soon decide the matter in one way or the other, and on their decision, based upon the experience of a few years, there could be legislation hereafter. With regard to the remarks of the hon. and learned Member for the King's County (Mr. Serjeant Sherlock), he could only say that hon. Members on the Opposition side of the House had been careful not to run counter to the religious feelings of those who sat on the other benches, and he appealed to those who entertained the same opinions as the hon. and learned Member not to use such language as he had uttered on so sacred a matter. He could not consent to the doctrine that the representatives of the United Kingdom were not interested in the settlement of matters concerning the Church of this country; whether hon. Members belonged to the Church of England or not, the condition of the Church must be a matter of the greatest importance to them and to the nation generally, and as in all professions it was of great service to get an outside opinion, so it was of great advantage to the Church to elicit the opinions of Nonconformists, since by that means light would be thrown on some of its difficulties, which everyone who wished well to the country, whether he belonged to her communion or not, would desire, for the sake of the public welfare, to see overcome.

MR. BERESFORD HOPE said, that the remarks of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) did not apply, and that he could assure the House that this matter had not been slurred over by the Royal Commissioners. The revision of the Table of Lessons was one of the objects committed to them, and it was not for them to inquire whether there was a public demand for it. When the Commissioners met, they were of opinion that the work of revision had better, in the first instance, be intrusted to a sub-Committee, and such a body was appointed as was truly representative of the larger Commission. The Table of Lessons which they prepared was circulated among the

Viscount Sandon

whole body, and by them it was maturely considered. It did not pass without certain alterations being made, and in its revised form it had been adopted by the Convocation of both Provinces and by the other House of Parliament. This House ought not to criticize those details to which some of the Amendments pointed, but should adopt the Bill with the long period that had been granted by the Government for the adoption of the new Table. If it approved itself to the common sense of religious people, the new Table would gradually and peaceably take its place, without the parishes being put to the expense supposed by the hon. and learned Member for Gloucester (Mr. Monk), since any parish could for a penny buy a copy of the Act which would contain the Table of Lessons. At the end of seven years, if it should not be approved of, and the old Table should be preferred, the present Bill might be repealed by a very short Act. He trusted the Bill would be passed through Committee, and that the new Table would give peace and contentment to the Church.

MR. CANDLISH said, as no Dissenter had yet spoken on the question, he wished to say a few words upon it. Since the Prime Minister had deprecated discussion on the details of this Bill, on the ground that the House was unfit to deal with them, it was fair to presume he was really opposed to it. But how were Dissenters to vote upon the question. [An hon. MEMBER: Not at all.] Dissenters believed that civil government had nothing to do with the internal affairs of a Christian church; how, then, could they do otherwise than vote with the hon. Member for Surrey? The Prime Minister knew that the feeling for disestablishment was growing rapidly. ["No, no!"] He knew that 91 Members had voted for disestablishment, and that should not be lost sight of. ["Question!"] It was the question; because, as he believed, the civil power had nothing to do with the inside of a church, it was his duty to vote for the Amendment. The Prime Minister must know disestablishment was near at hand, and that when the Church was disestablished it would be able to deal with the Prayer Book as it pleased.

DR. BALL said, he intended to support the Government, but he must protest against the doctrine that the House should take the Bill as the Government had chosen to alter it. The Commission

which had dealt with the matter was appointed by the late Lord Derby, and was composed of men of all shades of opinion, lay and clerical; the Lectionary recommended by them was adopted unanimously, and although he was not altogether satisfied with it, he was not prepared to raise his individual opinion against the unanimous conclusions of so eminent a body as that Commission. He did not, for instance, approve the change by which the New Testament was to be read only twice a-year instead of thrice; there were many who never heard the sound of the Gospel except in church, and it was inadvisable that the opportunities now afforded to such persons of becoming acquainted with the foundation of our faith should be curtailed. He also objected to allowing two Lectionaries to exist up to the year 1879. In the old Lectionary, 106 Lessons were taken from the Apocrypha; in the new only 40, and numerous other changes were made. If the two Lectionaries were allowed to be in force for the next seven years not only would the people be at a loss to know which Lectionary would be used, but the very existence of two Lectionaries would become a standard of disagreement. He objected to giving parties in the Church an opportunity of setting up that or any other Shibboleth. It would also be a great inconvenience to members of the Church if it were in the power of the minister to choose which Lectionary he would use; as one clergyman would adopt the new one, whilst another minister might use the old one, and thereby great confusion would arise. This proposal was a pure invention of the Government, unsupported by the House of Lords, Convocation, or the Commission. The Prime Minister had said he wished to ascertain the opinion of the people upon the subject; but no steps had been taken to do so, and it was most impolitic to allow the opinion of the people upon such a subject to be developed in the midst of schismatic contentions. He maintained that the Bill ought not to be confined simply to the Lectionary; for, as he reminded the House, the Commission appointed by the late Lord Derby was not selected for that purpose only, but with especial reference to the growth and increase of Ritualism in England. That was not the only unanimous recommendation of the Commissioners, for there

were a great many of the numerous recommendations which were made unanimously, and which were not included in the Bill before the House. He should ill-discharge his duty if he did not say that he thought the Bill inadequate; but he had derived considerable consolation from the statement of the Prime Minister—that the Government in passing this Bill must not be taken as opposing the other recommendations of the Commission, which would be open to future consideration.

MR. LIDDELL said, he thought these questions ought to be settled between the members of the Church of England, and that they could never be so settled until the constitution of the Governing Body of that Church was revised and remodelled more in accordance with the feelings of the people of this country. These matters would then be arranged within Convocation, and when they came to Parliament to sanction their arrangement they would meet with that respect to which they were entitled. Were matters in the position he had described, that House need not have incurred the well-merited reproof, which he hoped they would take to heart, of the hon. and learned Member for the King's County (Mr. Serjeant Sherlock). He would support the Amendment. He was a Conservative, and detested change merely as such. Unless change was shown to be necessary, he invariably opposed it. He was not aware that public opinion was in favour of the proposed change, and he believed it would create doubt and difficulty in the minds of the laity.

MR. GRAHAM said, he believed it was not the duty of hon. Members who did not belong to the Church of England to walk out of the House, but to vote on this question according to their conscientious opinion. The Prime Minister had said that the Bill must be accepted in its entirety upon the authority simply of Convocation and the Ritualistic Commission. As a Presbyterian, he (Mr. Graham) could not admit that any such bodies had any right to dictate the formula according to which the people of that country were to worship God. No more unchristian principle could be asserted than that these formulas should be imposed upon the people by the votes of political parties. He could not support this Bill, especially as it provided

that matter should be read in the public services of our churches as God's Word which he did not believe to be so.

MR. BRUCE said, he was unable to follow the argument of his hon. Friend (Mr. Graham), to the effect that they had no right to impose the reading of particular Lessons. The existing Lessons rested on the authority of Parliament, and the object of this Bill was partly to reduce the number. As regarded the questions of the noble Lord the Member for Liverpool (Viscount Sandon), and the right hon. and learned Gentleman (Dr. Ball), as to the intentions of the Government, he would observe that there were a great many other recommendations upon which the Commissioners were agreed; but, on the other hand, there were a large number upon which they were not unanimous, and as these comprised some of the most interesting and important questions, in dealing with the others it would have been impossible to pass them by. The Government had to consider whether the time was come for proposing legislation with regard to points on which there was such difference of opinion, and they thought it was not come. But those questions were under the consideration of the Church—possibly at no distant period they might be dealt with; and whenever there was a reasonable prospect of their being satisfactorily and harmoniously decided, that Government, or any succeeding one would, he was sure, be happy to take up the matter.

MR. NEVILLE-GRENVILLE said, he entirely agreed with the hon. Member for Glasgow (Mr. Graham), that neither he nor any hon. Member of that House should walk out on this or any other occasion. With reference to the observations of the hon. Member for Sunderland (Mr. Candlish), he wished to remind that hon. Gentleman that 26 years ago the Dissenters' Chapel Bill was brought into the House at the instigation of the Nonconformists, that it had to meet a narrow sectarian opposition, but that the majority of Churchmen in the House supported the Dissenters on that occasion; and he thought the Dissenters would do well to support on this occasion a question which had been thoroughly sifted by the Church authorities.

MR. D. DALRYMPLE, who spoke amid considerable interruption, said, he

Mr. Graham

had taken great pains in examining the new Lectionary, and unhesitatingly declared that the old one was the better of the two. The present Bill gave a chance of two Lectionaries, and he was convinced that this would be certain to introduce into parishes new elements of discord.

MR. ILLINGWORTH said, the hon. Member for Sunderland (Mr. Candlish) only desired to extend to the Church the same liberty which Parliament conferred upon the Dissenters 26 years ago. It had been said that the duty of Parliament in regard to this question was to confirm the decision of Convocation; but to this he strongly objected, for this, if for no other reason—that, so far as he had been able to ascertain, Convocation could not be said in any adequate way to represent the opinions of the great mass of the lay members of the Church of England.

Question put.

The Committee *divided*:—Ayes 39; Noes 204: Majority 165.

Clause 1 *agreed to*.

Clause 2 (Substitution of Tables of Lessons in schedule for old Tables).

MR. HOLT rose to propose one of a series of Amendments, the first being in page 2, line 3, after "read," to insert the word "and," which would have the effect of introducing into the Prayer Book the old and new Tables of Lessons. He tendered his best thanks to the Government for the consideration they had given to his Amendments, and their endeavour by the alterations they had made in the Bill to introduce them to some extent. The Bill was opposed last Session, and it was hoped that delay would result in the introduction of a more comprehensive measure this Session dealing with the Rubric as well as the Table of Lessons. The Government who issued that Commission, and the present Government, who renewed it, were of opinion that the most important question to deal with was the Rubric, that of the Table of Lessons being secondary and subordinate to it. There were, therefore, abundant reasons last year to show that the Bill was prematurely introduced, because the Commissioners had not then reported on the chief subject submitted for their consideration; and the experience of last Session showed that the Bill must

fail unless its scope was enlarged. This was the opinion of the Archbishop of Canterbury, expressed in his letter to the Bishop of London last January. He was therefore surprised and disappointed to find the Bill had been introduced in its present form. It was, however, thought better not to oppose the measure, but to offer such Amendments for the consideration of the Committee as might render it less objectionable. If this Amendment was not adopted, he admitted that most of the others must fall to the ground. His objection to the Government scheme was that it would destroy after some years the use of the old Table of Lessons, and he desired the Committee to take such a course as would leave the clergy free still to use the old Table of Lessons, and by making the action of the Bill permissive, not compulsory, would also prepare the way for the final settlement of the question.

MR. HEYGATE said, he approved of the Amendment. He had reluctantly voted with the minority in the last division, because he feared that this Bill, if carried in its present form, would produce anxiety and indignation in the minds of many worthy people.

MR. BRUCE said, the object of the proposition of the hon. Member for North-east Lancashire was to render the use of the old or new Table of Lessons optional; but the hon. Member seemed to intend that the effect of his Amendment should be only temporary, and he failed to see the practical difference between it and the proposition of the Government. He therefore hoped the hon. Member would not press his Amendment.

MR. T. CHAMBERS said, he thought the new Lectionary superior to the old one, but was in favour of giving a large discretion to the clergy as to the reading of the Holy Scriptures in churches. The Government, after rejecting an Amendment which he had suggested, to enable a clergyman to substitute a passage from the Scriptures for a Lesson from the Apocrypha, had postponed the operation of this minute reform for seven years. He did not think this reasonable, and should support the Amendment.

MR. ASSHETON CROSS said, he thought the Government had adopted a wise and prudent course in giving an option to the clergy in this matter, because many clergymen would have felt conscientious scruples as to using the new

Lectionary at once. But in the course of seven years he believed that public opinion would be formed in favour of the new Table, and that it would be accepted by the whole Church. He hoped the House would support the Government.

MR. ALDERMAN LUSK, who spoke amid considerable interruption, protested against the practice of requiring the House to legislate on subjects with regard to which it was assumed that some hon. Members had no right to express opinions, and deprecated going into details on this measure.

MR. HOLT said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

DR. BALL moved an Amendment, fixing the period giving the optional power of reading the Lessons at "1873" instead of "1879," the former being the date agreed to by the House of Lords. He wanted to know the reason why the Bill was altered after it came down from the Lords?

MR. GLADSTONE said, that the Government adopted the latter period, in conformity with the unanimous assent of the Prelates in the House of Lords.

MR. KINNAIRD said, he would vote for the Amendment, if pressed to a division.

MR. GATHORNE HARDY hoped his right hon. and learned Friend would not persevere with his Amendment.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Schedule,

MR. HOLT moved in line 25, to omit "the second time," and to insert "one of the two services," leaving it optional to the clergyman to use the particular form laid down at one of these two services.

MR. BERESFORD HOPE urged that this part of the Schedule should be left as it stood.

Amendment *negatived*.

MR. LOCKE KING moved, as an Amendment, in page 5, line 6, after "minister," to insert—

"Except that when any Lesson from the Apocrypha is appointed for the holyday the proper Lessons for the Sunday shall always be read."

Amendment *negatived*.

Amendment proposed,

In line 6, after the word "minister," to insert the words "but whosoever a lesson is appointed taken from the Apocrypha, the minister may, at his discretion, substitute a chapter taken from the canonical books of the Old Testament."—(*Mr. Holt.*)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 71; Noes 81: Majority 10.

Schedule *agreed to*.

On Question, "That the Preamble be agreed to,"

Amendment proposed,

In line 19, after the word "Prayer," to insert the words "and such revised Tables of Lessons have been considered and approved by the Convocations of Canterbury and York."—(*Mr. Gathorne Hardy.*)

MR. MACFIE moved that the Chairman report Progress.

MR. GLADSTONE hoped the hon. Gentleman would not press that Motion, which, at this stage of the Bill, would be very unfair. He opposed the right hon. Gentleman's (Mr. G. Hardy's) Amendment, remarking that there had been a technical informality in connection with the meeting of Convocation at which the subject was considered. The words had been deliberately struck out in the House of Lords, with the assent of all the temporal and spiritual Peers.

SIR ROUNDELL PALMER said, he would support the Amendment, and would state that nothing would have induced him to vote for the Bill had it not been for the fact that Convocation, which, however imperfect in its constitution, was actually the representative of the Church, had approved the measure.

MR. BOUVERIE said, he could not admit that Convocation was the legal representative of the Church of England while Parliament existed and the Sovereign remained the Head of the Church. Convocation represented the clergy.

DR. BALL recommended the adjournment of the debate, as the decision come to by the House of Lords was far too important a matter to be disposed of in a cursory manner at the close of a long Sitting.

MR. HENLEY said, he wished to know from the Government, whether the House knew as a fact of that which it was asked to introduce into the Preamble officially.

MR. BRUCE said, he had official cognizance of it, but that it had not been communicated officially to Parliament.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 55; Noes 94: Majority 39.

Preamble *agreed to*.

Bill to be reported.

The Clerk at the Table informed the House, That Mr. Speaker was unable to resume the Chair this Evening.

Whereupon Mr. Dodson, the Chairman of the Committee of Ways and Means, took the Chair as Deputy Speaker, pursuant to the Standing Order.

Bill *reported*, with an Amendment; as amended, to be considered *To-morrow*, at Two of the clock.

COMMITTEE ON PUBLIC BUSINESS.

MR. CAVENDISH BENTINCK said, he had learnt with great astonishment that the Government intended to proceed to-morrow at the Morning Sitting to discuss the Report of the Committee on Public Business. He protested against such a course being pursued without due notice, and at an hour when professional Members of the House must necessarily be absent. He begged to move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Cavendish Bentinck.*)

MR. GLADSTONE said, the Government were anxious to proceed with the subject to-morrow, not so much in their own interest as in that of private Members. The discussion would be confined to two proposals which had been made by the Committee—that relating to the power of counting out on Tuesdays and Fridays, which the Government proposed should not be exercised until half-past 9 o'clock, when there had been a Morning Sitting, and that relating to the exclusion of strangers.

Motion, by leave, *withdrawn*.

METROPOLITAN BUILDING ACT (1855) AMENDMENT BILL.

On Motion of Mr. Alderman LAWRENCE, Bill to amend "The Metropolitan Building Act, 1855," by adding to the exemptions from Part I. of the

Act the buildings of the New Foreign Cattle Market on the site of Deptford Dock, *ordered to be brought in by Mr. Alderman LAWRENCE and Sir DAVID SALOMONS.*

Bill presented, and read the first time. [Bill 200.]

CHAIN CABLES AND ANCHORS BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law respecting the Proving and Sale of Chain Cables and Anchors.

Resolution reported:—Bill ordered to be brought in by Mr. CHICHESTER FORTESCUE and Mr. ARTHUR PEEL.

Bill presented, and read the first time. [Bill 201.]

House adjourned at a quarter before
Three o'clock.

HOUSE OF LORDS,

Friday, 16th June, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Justices of the Peace Qualification* * (188); *Petroleum* * (189).

Second Reading—*Lunacy Regulation Amendment* (171); *Landlord and Tenant (Ireland) Act, 1870, Amendment* (185).

Third Reading—*Citation Amendment (Scotland)* * (177); *East India Stocks (Dividends)* * (178); *Postage* * (179), and *passed*.

Royal Assent—*University Tests* [34 *Vict. c. 26*]; *Protection of Life and Property in certain Parts of Ireland* [34 *Vict. c. 25*]; *Ewelme Rectory* [34 *Vict. c. 23*]; *Presbyterian Church (Ireland)* [34 *Vict. c. 24*].

FRANCE—THE COMMUNIST INSURRECTION—ENGLISH PRISONERS AT SATORY.—QUESTION.

EARL GRANVILLE said, he did not see present the noble Earl (the Earl of Airlie), who recently put a Question to him as to the number of Englishmen compromised in the late unfortunate events at Paris; but he thought it right to give the House the latest information in his possession with regard to Englishmen now prisoners in Paris. The unfortunate boy, William Lowe, who was found with a pistol in his hand behind a barricade, had since been released. The fullest inquiry which could be instituted as to the persons who were, or were represented to be, British subjects, and who had been arrested on the charge of complicity in the insurrection, showed that of 19 persons who were known to

have been arrested 10 had been released, and nine were still in confinement; while two persons were missing from their homes whom our Consul had not yet found. He wished to take the opportunity of correcting a very natural misreport which happened on his recently reading a despatch describing the conduct of Mr. Saumerez, which their Lordships seemed to think exceedingly creditable. His observation on the judgment and discretion of the writer of the despatch, Mr. Malet, was inadvertently attributed to Mr. Saumerez, whereas he wished to do both gentlemen the justice they deserved.

HER MAJESTY'S SHIP "CAPTAIN."

OBSERVATIONS.

THE EARL OF LAUDERDALE rose to call attention to the Minute by the late First Lord of the Admiralty with reference to H.M.S. "Captain." He thought the issue of this Minute a great mistake, inasmuch as it was published without the knowledge of some of the late First Lord's Colleagues, upon whom, and especially upon Sir Spencer Robinson and the officers of the Controller's Department, it, by implication, cast much blame, because it reflected upon matters in which they were personally and officially concerned. That this blame was not justly deserved was evidenced by the finding of the Court Martial that had sat to inquire into the loss of the *Captain*, and who found that the ship capsized by pressure of sail, assisted by the heave of the sea; and that the sail carried at the time of her loss—regard being had to the force of the wind and state of the sea—was insufficient to have endangered a ship endued with a proper amount of stability—and they added—

"That the Court, before separating, find it their duty to record their conviction that the *Captain* was built in deference to public opinion, expressed in Parliament, and in opposition to the views and opinions of the Controller and his Department, and that the evidence all tends to show that they generally disapproved of her construction."

That finding he (the Earl of Lauderdale) thought was just and proper, for no man could have been more opposed to the plans of this vessel than Sir Spencer Robinson and Mr. Reed. The experiment was strongly urged upon the Admiralty by speeches in Parliament, and by letters in the public Press. Mr. Childers,

he thought, ought to have allowed the matter to rest on that finding. Instead of that, Mr. Childers issued the Minute to which he was calling their Lordships' attention. On examining the Minute, he found it to be very inaccurate in its statements. For instance, the history of the circumstances which led to the ordering of the *Captain* was imperfect and one-sided, and the extract from the Report of the Committee of Naval Officers, of which he (the Earl of Lauderdale) had the honour to be Chairman, was so selected as to suggest that the Committee recommended that a conclusive trial should be given to a sea-going turret-ship similar to the *Captain*; whereas the plan of which they recommended a trial contemplated a vessel only half the size of the *Captain*, and with 10 feet freeboard; whereas the *Captain* was intended to have 8 feet freeboard, but when launched had only 6 feet 6 inches. That the Admiralty comprehended their recommendation was shown by their building the *Monarch*, a ship with 14 feet freeboard, and with two turrets. The *Monarch* was intended to carry out Captain Coles' views as to turret-ships; but the Admiralty gave up an essential part of Captain Coles' original plan, for they gave up the all-round fire, and put a fore-castle on her; and this, no doubt, made her a better sea-going vessel. Captain Coles, however, objected to these parts of the design as discarding some of the chief merits of the turret system. He was then allowed to build a ship on his own plan:—when, however, the plan was laid before the Admiralty she had both a poop and fore-castle, thus sacrificing the all-round fire he (Captain Coles) had up to that time so strongly advocated. The Controller's Department was consulted on the plan of the *Captain*, and they reported that they saw nothing to lead them to believe there was any deficiency in the stability of the vessel; but the plan they reported on had a freeboard of eight feet. The ship was ordered to be constructed by Sir John Pakington, as First Lord of the Admiralty, who was succeeded in his office by Mr. Corry. Mr. Childers had nothing to do with the building of the *Captain*; but she was received into the service during his tenure of office, and it was impossible to read the Minute without being led to believe that blame was thrown on the

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Controller's Department for not expressing strongly enough their objections to the plan. It was perfectly clear the Admiralty intended that the *Captain* should be built according to the plans of Captain Coles and Mr. Laird, the builder, and that they did not wish to take any responsibility on themselves unless the Constructor's Department reported she was totally unfit for sea. Now, it never entered the heads of the Department that that was the case, and though they totally disapproved of the plan, they did not think she was unfit to go to sea. He had, however, reason to believe that every bit of information known to the Controller's Department was known also to Captain Coles and Mr. Laird, the builder. The only point they were unaware of was the result of the final calculations after the heeling over alongside of Portsmouth Dockyard just before her final departure. That experiment of heeling over was made in the presence of Captain Coles, and he believed all were satisfied about her centre of gravity. Mr. Laird had stated that the results almost exactly tallied with his estimate, and that had the final calculations been made known to him they would not have made him doubt her fitness to go to sea. Nor was this doubted by the Controller's Department, although they disapproved the plan. Both Mr. Reed and Mr. Scott Russell had previously urged the danger of low freeboards; and after the launching of the *Captain*, when the freeboard proved to be only 6½ feet, the former gentleman stated that she was unsafe without a breastwork. What he supposed Mr. Reed meant was, that she was quite unfit for a sea-going ship, and that sooner or later she would come to grief. His opinion, however, did not prevent the vessel from going to sea. Indeed, public feeling was so strongly in favour of the trial that nothing could have prevented this. One of Mr. Childers' complaints was, that the Controller's Department did not give him full information upon the subject, and that they did not urge their objections with sufficient strength. When, however, he proposed to build other ships something like the *Captain*, Mr. Reed informed him that it would not be safe to build low freeboard ships with masts; and when he found his remonstrance useless, he retired from his office. All the sea

Lords, Mr. Reed said, were opposed to the construction of low freeboard ships—especially with masts; and, so far as he (the Earl of Lauderdale) could understand from the *Minute*, the only person in favour of low freeboard ships when the *Captain* was received into the Navy was Mr. Childers himself. It was a professional question, and it was not right in Mr. Childers to throw the blame on the professional men who were opposed to the construction of such vessels. The building of the *Captain* was a national experiment, and nothing could be known without subjecting such a vessel to a full trial. But it must be remembered that such experiments could not be made without danger. The real point of a trial commenced at the point of danger, and it was no use arguing, for sailors would not believe in words. The danger attending such trials was illustrated by the indiarubber boats carrying a 13-inch mortar, which were tested at Spithead during the Crimean War, and after promising well, split in halves on the mortar being fired, all but one of those on board happily escaping. The Court Martial reported that the *Captain* was capsized from want of stability, and the public wished to know to what it was owing: but no report of that kind had been made, and Mr. Childers had stated that he hoped more ships of the same character would be built. Since her loss various reasons had been given for the accident. It had been said that she had too low a freeboard—that she had too high a centre of gravity—that she had not beam enough, and that she carried 800 tons more than she was designed for. Those were points which the public wanted settled—because either one of them was sufficient to capsize a vessel like the *Captain*. Mr. Childers, in the third part of the *Minute*, appeared to have proposed to construct a double turret-ship, with a low freeboard, with limited sail power. Mr. Reed objected to this proposal, and it was abandoned; but after discussion it was agreed to build two two-turreted ships, without masts, following out very nearly Mr. Reed's original designs. These were the *Thunderer* and the *Devastation*. He thought that a doubtful experiment, and the late First Lord was wrong in building more than one of those ships until the plan had been fairly tried and tested. He distinctly stated that he did not ap-

prove of those ships. He objected to their want of masts, to their low freeboard, and to their draught of water. The new principle of sea-going ships like the *Monitor* was a low freeboard, its advocates arguing that the old principle of a ship rising on the top of the waves was a mistake—that it was better that ships should be built so as to enable them to cut through the waves, and so avoid pitching and rolling. It seemed to him that sailing in such a ship would be submarine navigation, and would be worse than travelling by an underground railway. In the railway you did now and then come to the surface and get a breath of fresh air; but in such a vessel you must be close shut up and live by artificial ventilation. He hoped that only one of those vessels would be completed at first, in order that its powers might be fully tested by a fair trial before the whole expenditure was incurred for the completion of the remainder of them. This low freeboard question was a most serious one. Being a gunnery man himself he was quite aware of the value of a low freeboard and the turret for gunnery purposes; but it was of far greater importance to secure the safety of the men on board. In regard to merchant ships the Legislature was acting differently, inasmuch as it was trying to prevent low freeboards as much as possible—for a low freeboard meant overloading, and no merchant vessels were built with low freeboards. But men-of-war were laden with coal and iron, and with a low freeboard would be much less safe than merchant ships. In the latter the centre of gravity might be low; but the centre of gravity in men-of-war could not be low. The noble Earl read a letter from a sailor to his sweetheart, on the eve of his departure on board a merchant ship which was overladen—the writer stating that he did not at all like the look of the vessel, but that he was not one to show the white feather; but he supposed that if it were good for the captain it was equally good for him, and hoping that she would keep up her heart and pray for his safe return. Now, that vessel was never heard of again. He knew also of a case of an officer of an iron-clad vessel going to insure his life for £1,000; but the authorities at the insurance office, on hearing that his ship was an iron-clad, refused to accept him. In

conclusion, he would urge upon the Government the views he had expressed with regard to the *Captain*. He trusted also they would consider the point he had urged as to the overloading of merchant vessels, and the propriety of introducing into the Merchant Shipping Act provisions to prevent this practice.

LORD DUNSANY, a shipmate of Sir Spencer Robinson's 48 years ago, said, it was no exaggeration to say that Sir Spencer was a distinguished officer, who deserved well of his country, and could not be fairly blamed for the loss of the *Captain*; under no circumstances could he be held accountable for the occurrence. But, at the same time, he acquitted Mr. Childers of any desire to shuffle off responsibility from his own shoulders. The fault lay in the constitution of the Board of Admiralty, which was characterized by responsibility without professional experience, and so full of anomalies that he should not be surprised to hear of a "Battle of Dorking" any day. He anticipated that great disaster would result in the future from the fact that the First Lord of the Admiralty possessed almost unlimited powers to build ships of whatever design pleased him best, even though in doing so he might be acting contrary to the advice of his professional colleagues. These unprofessional First Lords were, to his thinking, to be regarded in the light of national misfortunes. The late Sir James Graham, for instance, commenced his naval reforms by depriving the officers and architects of the means of technical education—he then reduced the Navy of the country to a state of utter impotence, and he abolished the Marine Artillery—one of the finest and most useful corps in the service. He regretted, however, to find that the Court Martial had travelled out of the inquiry which was specially committed to them—they had nothing to do in the finding except what had been brought before them in evidence. He meant nothing personal against Mr. Childers; but he wished to point out the difficulty of non-professional First Lords when dealing with strictly naval questions.

THE EARL OF CAMPERDOWN said, that when a great national loss, such as that of the *Captain*, one of the finest ships in the Navy, occurred, and several hundreds of lives were sacrificed by the catastrophe, the subject was one which

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undoubtedly deserved the attention of their Lordships, and all the papers and documents calculated to throw any light upon it would receive their most careful consideration. In bringing this subject forward the noble Earl (the Earl of Lauderdale) had referred to several naval questions which were, no doubt, of great interest and importance; but it would perhaps be more convenient if, he (the Earl of Camperdown) were to confine himself strictly to the noble Earl's Notice as it appeared on the Paper—namely, the Minute relating to the loss of the *Captain*. The noble Earl had criticized two matters which were recorded in that Minute, the first being the reply of the Admiralty to the finding of the Court Martial, and the second the proceedings of the Admiralty in ascribing a portion of the blame for the loss of the *Captain* to the Controller's Department. And here it should be remembered that besides the reputation of the officers who sat on the Court Martial and those in the Controller's Department there was also involved the reputation of the officers who were lost in the ship. As to the reply of the Admiralty on the finding of the Court Martial, the noble Earl said that the Admiralty were scarcely justified in expressing their extreme surprise that so grave a reflection on public opinion and on the Board of Admiralty which in 1866 ordered the building of the *Captain*, should have been recorded by a Court Martial. But the reason why their Lordships objected to the finding—or to that part of the finding—was that though the statement made by the Court Martial might be perfectly true, it did not rest upon anything that had been set forth in the evidence that had been laid before them. The Court Martial referred in their decision to what they called "a proper amount of stability;" but, as the Admiralty pointed out, it must have been known to the officers of the fleet, and to the Court that a turret-ship with a low freeboard had not the same conditions of stability as a broadside ship with a high freeboard. That was a fair matter for remark by the Admiralty. But, independently of that, the Lords of the Admiralty called attention—as he thought they had a perfect right to do—to the fact that the Controller of the Navy was not called before the Court. Now, the Lords of the Admiralty had not the slightest wish

to interfere with the independence of the proceedings of the Court; but when a ship like the *Captain* was lost, and the Controller of the Navy—the head of the constructive department of the Admiralty, within whose period of office the ship had been built, and with the building of which he had been to a certain degree connected—was not examined before a Court Martial which was inquiring into the circumstance of the ship's loss, he thought the Lords of the Admiralty were not only justified in calling attention to the circumstance, but that they would hardly have been justified if they had not done so. He would observe that the Minute was published by the First Lord of the Admiralty, that the words "By order of the Board of Admiralty" were printed upon it by the Stationery Office without authority—and that the Minute was not the Minute of the Board, but of the First Lord alone, and was written by him in consequence of decided opinions he held on the subject of the individual responsibility of the Ministers of the Crown for the business connected with their departments. When this matter occurred, the First Lord made his own inquiry, and, attributing the fault to certain officers in the Department, he wrote his Minute. The Minute consisted of 42 pages of facts and 73 pages of Appendix.

He would confine himself to the positive statements therein made. It was set forth in the document that—

"When Sir John Pakington's Board approved of the design, Captain Coles and the Messrs. Laird accepted the entire responsibility, and the Controller of the Navy and other officers of the Navy were for a time relieved from it."

That—

"It was also clear that, when the *Captain* was completed and sent for trial to sea, although the responsibility of Captain Coles and the Messrs. Laird for the construction of the ship continued, yet the Controller of the Navy and the other officers became responsible for the ship's fitness to go to sea."

It could not be denied that if the Controller of the Navy entertained the opinion that a ship was not fit to go to sea, he ought to make a direct representation to the First Lord of the Admiralty on the subject. In that view Sir Spencer Robinson himself concurred, when he stated in his reply that the Constructor's Department had no responsibility, either technical or moral; but that they had no apprehensions that a trial at sea would subject

the ship to imminent danger, and that if the Chief Constructor had apprehended any such danger the department would have felt itself under an irresistible moral obligation to point out its apprehensions. Sir Spencer Robinson went on to say that neither he nor Mr. Reed considered the ship to be unsafe for trial "if properly handled." Mr. Reed in his report, though he considered that no satisfactory result would be obtained from the trial of the ship, did not express any anticipation of the *Captain* going to the bottom. This was before the loss of the ship; but at the Court Martial he said, in reply to questions as to the stability and seaworthiness of the vessel, that owing to the want of stability shown in the design and construction of the ship he had for some time entertained doubts as to her seaworthiness. Mr. Reed was asked whether he did not think it was necessary to give that information to Captain Burgoyne; and his reply was that he did not think it was necessary for him to do anything which he did not do. Now, Mr. Childers absolved the Controller in the first instance from responsibility, but went on to say that he became responsible for the ship's fitness to go to sea at a certain period—by which was meant that he ought to have reported to him the vessel's unworthiness to go to sea. Mr. Childers went on to say that he could not believe Mr. Reed's memory was correct when he gave those answers, for if they described accurately Mr. Reed's position it was one of very heavy responsibility. Either he knew the ship was unfit to be sent to sea or not. In the former case he was bound to represent his opinion in the strongest way to Sir Spencer Robinson, who would have been bound by his sense of official responsibility to lay the matter before Mr. Childers; if, on the other hand, Mr. Reed was unaware of the fact, the evidence he gave before the Court Martial was very unfortunate. It was true that Mr. Reed, in a lecture delivered at the Institute of Naval Architects, expressed the same views as were contained in his evidence before the Court Martial; but if he really entertained those opinions, it was an unfortunate circumstance that he did not present a Report on the subject to Sir Spencer Robinson, his superior officer. At all events, Mr. Reed's lecture could hardly be taken as a Report to the Board of Admiralty that the

ship was not fit to be sent to sea. He conceived that when a vessel of this importance went to sea, carrying with it hundreds of precious lives, it was a duty imperative on any person connected with the Constructive Department of the Navy to represent to his superior officer all facts within his knowledge as to its unworthiness. All the Constructors, he presumed, were responsible to the Controller; for if they possessed information which they did not give to the Controller, the latter would be placed in a very unfair position. Messrs. Laird asked in February that experiments should be made with regard to the centre of gravity of the *Captain*. This was deferred by the Chief Constructor until after the steam trial, and when the vessel had gone to sea and was lost Mr. Childers expressed his opinion that the centre of gravity ought to have been ascertained at an earlier period than it actually was. Now, he (the Earl of Camperdown) did not mean to assert that if the centre of gravity had been earlier ascertained the *Captain* would have been saved; but, at the same time, he ventured to submit that Mr. Childers was justified in making such a statement. The curve of stability of the *Captain* was not ascertained until after that vessel had gone to sea for the last time—though within a month after the centre of gravity had been discovered by experiment. Without knowing the centre of gravity it was impossible to find the curve of stability. If, in February, the centre of gravity had been ascertained, it would have been possible to discover the curve of stability long before the ship left England on her last voyage, and the calculations would have served as a caution to the officer commanding the ship. With regard to an omission in the Minute of some words at the beginning of a Report of the Controller, no person could regret more than Mr. Childers did that any words which appeared in a Report of the Controller to him, and especially on such a subject, should not also have appeared in the Report as printed in the Minute, and the result of the inquiry as to the way in which the omission occurred was that it was due to an error on the part of a copyist; but the omission did not, in fact, alter the case. The portion of the Report which dealt with facts, as distinguished from observations, was shown by Mr. Childers to two of his Colleagues,

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and therefore Sir Spencer Robinson might have seen this particular portion of the Report. He wished to call special attention to the bearing of the words which were omitted in the remainder of the letter. If Sir Spencer Robinson had stated the conclusion that the *Captain* was unseaworthy, and had specially called the attention of Mr. Childers to the fact, then Sir Spencer Robinson was quite free even from constructive responsibility; but what Sir Spencer Robinson wrote was that, although under certain conditions the stability of the *Captain* was not quite satisfactory, the ship might be accepted; and their Lordships had, therefore, given instructions for the final payment of the account, waiving a condition which had been imposed that Messrs. Laird should hold themselves responsible for making such alterations as might be deemed necessary; and therefore the words omitted had reference, not to the question whether the *Captain* was or was not a seaworthy ship, but entirely to payment of the claim of Messrs. Laird. The attention of Mr. Childers was called to the matter with reference to the question of payment, and the seaworthiness of the *Captain* was a secondary question. If the Controller was impressed with the idea that the *Captain* was not seaworthy, he ought to have specially called the attention of the First Lord to the question of unseaworthiness. He might have been expected to say—"I should really wish you to consider the question whether the *Captain* should go to sea or not;" and he ought also to have addressed the First Sea Lord, without whose order the ship could not go to sea. The question had been considered only from the side of the Court Martial and from that of the Controller. It might be that if the calculations had been sent to Captain Burgoyne he would have been more on his guard. He (the Earl of Camperdown) thought he need go no further into the question than to remark that a considerable portion of the public maintained that these calculations should have been forwarded to him; and therefore it must be remembered that there was a third side to be taken into consideration, and that involved the reputation of Captain Burgoyne. In reply to the question whether there had been any Report by the Constructor since the accident, such Report had been submitted to the Committee on the loss of the *Captain*,

presided over by his noble Friend (Lord Dufferin), and the Report of the Committee had been laid on the Table. ["No, no!"] He was not aware that that Report had not been laid on their Lordships' Table. He should be unwilling to allude to any document which was not in the possession of their Lordships: he must, therefore, close the remarks he felt himself able on this occasion to make. He would simply recapitulate in few words the reasons which appeared to have led Mr. Childers to draw the conclusions he did in this Minute. Mr. Childers had a strong idea of individual responsibility in each of his Colleagues at the Admiralty to himself. He saw that evidence had been given on this Court Martial which did not tally with the Reports which had been presented to the Board. He was of opinion that the centre of gravity and stability should have been calculated earlier than they were, and that his attention had not been sufficiently called to the question of the liability of the *Captain* to be upset on the idea that existed in the Constructor's Department. For these reasons Mr. Childers wrote this Minute, and he must leave it in their Lordships' hands to form their opinion upon it.

THE DUKE OF SOMERSET said, it appeared to him that there would be very little advantage in their Lordships' attempting in that House to go into the reasons which led to the loss of the *Captain*. With regard to the Minute of Mr. Childers, he had already stated his objections to it. He objected to any person being the judge in his own cause. Mr. Childers had over and over declared that for everything that occurred at the Admiralty he would be responsible. This was one of the first things that had occurred;—was he responsible or was he not? If he wished to have a fair report, the question should have been submitted to an independent tribunal. He would not go into the Minute. He objected to it on principle. One great complaint Mr. Childers had against the Constructor was that he did not appoint Captain Coles to that department—Mr. Childers had such faith in Captain Coles that he wished to place him in the Constructor's Department. He repeated, this was not a subject their Lordships could inquire into—there must be an independent tribunal: but it was important for them to know who was respon-

sible for our ships—such as the *Cyclops*. Certainly not Sir Spencer Robinson, nor the Constructor, who had been away for 11 months. Who, then, was responsible? They had 12 or 14 men of science sitting together endeavouring to devise a vessel which would not turn bottom upwards. Who was responsible? Were they again to have a Minute from the First Lord dividing responsibility according to his own fancy? This system must be brought to an end. Sir Spencer Robinson and Mr. Reed for four or five years had told him continually that such a ship as the *Captain*, with a low freeboard and with tall masts and sails, would not be a safe ship—it might be an excellent vessel for coast defensive purposes, but not a good or safe sea-going vessel; and he had himself so stated over and over again in that House. But there was a great wish to try the experiment, and he said it should be tried. Captain Coles undertook to produce a vessel of that description which should be seaworthy, and he went down to Messrs. Laird, great shipbuilders, who undertook the business. He (the Duke of Somerset) left the Admiralty without having seen the plans and without having given an opinion on the subject. But Messrs. Laird certainly did not fulfil the promise they made. The vessel they produced was totally unseaworthy. If the *Captain* had survived the storm, it would have been described as one of the finest vessels in the world, and Captain Coles would have come back to re-organize all the navies in the world. It would also have been said that but for the former Board of Admiralty the country might have had eight or ten of these fine vessels instead of only one. He thought, however, that the obstinacy of that Board was not unwise, and certainly he had not from first to last any confidence in these ships.

THE EARL OF LAUDERDALE objected to the expression that the *Captain* was not unsafe "if properly handled." This appeared to reflect on Captain Burgoyne, who was one of the best officers in the service. If there had been anything improper in the handling of the *Captain*, it must have come out in the Court Martial; but there was nothing of the sort. The vessel, no doubt, was capsized in a sudden squall; but the blame ought not to be laid on the captain, who, after being on deck all day with the

Admiral, was probably at the time she was struck with the squall lying down on his sofa. The captain was not responsible during ordinary weather at night, the ship being then placed in charge of a commissioned officer, who had orders to shorten sail when necessary, or call the captain. Even the lieutenant might not be blamed—the squall came on so suddenly, and ships were often most pressed, just before the end of the watch.

VISCOUNT HALIFAX said, he would only say a very few words in order to do away with the impression which appeared to have been made on the noble Earl's mind that the Admiralty had passed any censure upon Captain Burgoyne. The expression to which objection was taken was an *a priori* opinion given by Sir Spencer Robinson. Neither Sir Spencer Robinson nor Mr. Reed ever said beforehand that they thought the ship was unsafe, but only that she would be a bad cruiser, and could not properly fight her guns. Nothing could be clearer than the paragraph which had been quoted by his noble Friend near him from Sir Spencer Robinson's reply to Mr. Childer's Minute, that neither he nor the Chief Constructor thought for a moment that the ship would be unsafe "if properly handled." There was no anticipation on the part of the Admiralty, or indeed of anybody else, that the ship would prove unsafe, and no blame had ever been imputed by that department to Captain Burgoyne.

FOUR COURTS MARSHALSEA PRISON (DUBLIN)—IMPRISONMENT FOR DEBT.

MOTION FOR A RETURN.

THE MARQUESS OF CLANRIOARDE moved for a Return of the cost of maintaining the Four Courts Marshalsea Prison in Dublin, specifying the salaries of each official, the cost of allowances to pauper debtors, and all other expenses; and stating from what funds such expenditure is defrayed. He complained that although imprisonment for debt had been abolished in England, it was still allowed to prevail in Ireland, notwithstanding that for years hopes of abolition had been held out to the people of that country. There were now two Bills on the subject before the House of Commons; but they had been postponed so many times, that he did not believe they would pass this Session.

The Earl of Lauderdale

This was not only an injustice to the public of Ireland, but it was also imposing a charge on the public funds which was entirely wasted.

Motion agreed to.

LUNACY REGULATION AMENDMENT BILL—(No. 171.) SECOND READING.

(*The Lord Chancellor.*)

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^a."

—(*The Lord Chancellor.*)

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, its object was to afford protection to "persons of weak mind"—that was to say, persons whose mental capacity is so affected by sickness or any other temporary cause as to render them incapable of managing themselves or their affairs. On more than one occasion he had experienced a difficulty in dealing with such cases, because the persons were not so bad as to render it necessary that a commission of lunacy should be issued. Under the Bill the Lord Chancellor, on summary petition, it being established to his satisfaction that the person in question is of weak mind, is empowered in a summary way and without directing an inquiry under a commission of lunacy, to appoint a guardian of the person or property, or of both, of such person. In order to secure that this summary interference should be of a temporary character it was provided that no order should be of force for a longer period than six months, nor was it to be renewed more than once. By one clause it would be necessary for the Commissioners in Lunacy to visit each patient twice a-year, and at such other times as the Court should appoint.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Monday next.

LANDLORD AND TENANT (IRELAND) ACT, 1870, AMENDMENT BILL—(No. 185.)

(*The Lord Cairns.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD CAIRNS, in moving that the Bill be now read the second time, said,

its object was to settle certain doubts that had arisen whether rights secured by the Irish Land Act of 1870 to occupying tenants might not be endangered by the omission to specify or refer to such rights in conveyances or assignments executed by the Landed Estates Court. The Bill therefore enacted that every occupying tenant and those claiming under him shall have as incident to the tenancy all rights to which he might be entitled under the first part of the Act; and that any sale, declaration, or convey on the part of the Landed Estate Courts shall be subject to all such rights, although such rights may not be specified or referred to in the conveyance or assignment executed by the Court.

Moved, "That the Bill be now read 2^a."
—(*The Lord Cairns.*)

THE LORD CHANCELLOR entirely agreed with the bringing forward of this measure by his noble and learned Friend, to whom he was much obliged for suggesting a means of obviating a not inconsiderable difficulty. Contrary to the notion that prevailed in some quarters, this Bill did not express any opinion upon the legal point that had arisen in one of the Courts in Ireland. Its object was simple, and its clauses were neatly arranged.

LORD CAIRNS said, he had avoided making any reference in the Bill to what had occurred in Ireland, as to which he had only imperfect information. Whatever had been said, it was clear there was much anxiety in the minds of persons in the northern part of Ireland, and it was proper that their doubts should be removed by legislation.

LORD LURGAN thanked the noble and learned Lord for introducing the Bill, which would be approved by all who were tenants under the custom of Ulster.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Monday next.

JUSTICES OF THE PEACE QUALIFICATION BILL [H.L.]

A Bill to repeal the Qualification required by the Act George the second, chapter twenty, for the Office of Justice of the Peace—Was presented by The Earl of ALBEMARLE; read 1^a. (No. 188.)

PETROLEUM BILL [H.L.]

A Bill for the safe keeping of Petroleum and other substances of a like nature—Was presented by The Earl of MORLEY; read 1^a. (No. 189.)

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 16th June, 1871.

MINUTES.]—SELECT COMMITTEE—Thames Embankment, appointed.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—Municipal Corporations (Borough Funds)* [203]; Public Schools Act (1868) Amendment* [204]. Second Reading—Canada* [192]; Treasurers of Rates* [120].

Select Committee—New Mint Building Site* [176], nominated.

Committee—Report—Life Assurance Companies Act (1870) Amendment* [183]; Metropolitan Board of Works (Loans)* [140].

Report—Ecclesiastical Dilapidations* [144-202].

The House met at Two of the clock.

IRELAND—MOUNTJOY GOVERNMENT PRISON.—QUESTION.

MR. CALLAN asked the Chief Secretary for Ireland, Whether his attention has been called to a report of a trial at the late assizes for the county of Wicklow, before Mr. Justice Morris, whereat it was given in evidence, and not contradicted—

"That certain 'official reports' of the physician of Mountjoy Government Prison relating to the prevalence of incipient insanity among the 'untried' prisoners, brought on by the cellular system, and which in due course should have been laid before the Chief Secretary, were from him withheld and suppressed by one of the Directors of Convict Prisons in Ireland;"

whether any explanation of this statement has been by the Irish Government sought from the Prison Director referred to; and, whether he still holds his office; and, if so, are the Government prepared to institute an inquiry into the truth of a charge of so grave a nature?

THE MARQUESS OF HARTINGTON, in reply, said, his attention had been called to a report of the trial in question. It appeared to him that the word "suppressed" was too strong a description of the circumstances which oc-

curred. It was true, however, that the report was not laid before the Chief Secretary for a period of a month or six weeks, and when that circumstance was brought to the knowledge of Lord Naas, he expressed his extreme regret that a report of that nature was not laid before him. Lord Naas thereupon ordered a full inquiry into all the circumstances, and the result was that almost immediately a change respecting the treatment of untried prisoners was made. The Director of Convict Prisons referred to still held office; but considering that the circumstances were fully inquired into by Lord Naas three years ago, and that the result arrived at was what he (the Marquess of Hartington) had just stated, he did not see how it was possible for him to make any further inquiry into the matter.

ARMY—LEICESTERSHIRE MILITIA.
QUESTION.

MR. PELL asked the Secretary of State for War, Whether it is true that the Officer commanding the Leicestershire Militia gave due notice prior to the training that his regiment would be ready to take part in a field day, and that the time and place were arranged by the General Officer commanding the district, naming May 22nd as the time, and Northampton as the place for such brigade field day; whether the estimate of the cost (under £100), was forwarded to the Horse Guards on May 17th, and the blank ammunition sent down to Northampton, and for what reason he stopped further proceedings by telegram, received at Leicester on the evening of Sunday May 21st; and, whether he is aware that the Officers of the Leicestershire Militia have been thus put to much fruitless expense and inconvenience, and seriously discouraged attempting to carry out the instructions embodied in the Reserve Forces Circular issued by the War Office?

MR. CARDWELL: I have made inquiry, Sir, and am informed that the telegram from Manchester was received at the War Office on Saturday, the 20th, after office hours, and that on Monday morning, the 22nd, telegrams were sent to the general officer commanding the Northern District, and to the officers commanding the Leicestershire and Northamptonshire Militia, to the effect that

The Marquess of Hartington

the application had been received too late.

EDUCATION—POWERS OF SCHOOL
BOARDS.—QUESTION.

MR. BULKELEY HUGHES asked the Vice President of the Council, Whether in a district provided with the requisite accommodation, within the distance prescribed in a Public Elementary School managed by a committee of ratepayers, can the School Board borrow money on the security of the school fund and local rate towards obtaining an additional school house; and, if they can, what limit (if any), would be placed by the Education Department to their borrowing powers or to the dimensions of such unnecessary building, and can the deficiency of the school fund in respect of such school house be raised out of the rates?

MR. W. E. FORSTER, in reply, said, the Education Department did not require school accommodation to be provided in any place until they were convinced there was a deficiency of such accommodation; and, with reference to a school board borrowing money for the purpose of increasing school accommodation, the district for which such accommodation must be provided was limited by the boundary of the school district, whatever that might be.

EDUCATION—ENDOWED SCHOOLS COM-
MISSIONERS.—QUESTION.

MR. GATHORNE HARDY asked the Vice President of the Committee of Council, If he will lay upon the Table of the House a Paper issued by the Endowed Schools Commissioners, containing the general rules upon which they will deal with endowments now applicable to Elementary Education?

MR. W. E. FORSTER said, in reply, that he was very anxious that every information should be given by the Department of which he was the head; but he felt considerable difficulty with regard to the document referred to, which was neither headed nor signed, so that it was impossible to make it a Parliamentary Paper without giving it an importance which it was not intended to have. It was not an official statement drawn up for publication, nor was it addressed to the public, but formed part of an ex-

planatory letter adapted to the circumstances of each case.

MR. BERESFORD HOPE said, he thought that the document, together with the correspondence with which it was accompanied, would form an interesting Parliamentary Paper, and he therefore hoped it would be laid before the House.

MR. W. E. FORSTER said, some limit must be put on the production of documents of this nature. If documents which were a mere statement of views and were devoid of official responsibility were to be laid before the House, there would be no end of such Parliamentary Papers.

PARLIAMENT—ORDER.—NOTICES.

MR. CAVENDISH BENTINCK, in rising to take the direction of the Speaker on a point of Order, which was of great consequence as regarded the conduct of Public Business in that House, said, he would have asked the opinion of the right hon. Gentleman last night, had not the right hon. Gentleman unfortunately been unavoidably absent from his place. After the dinner hour yesterday Her Majesty's Government determined to proceed with the consideration of the Report of the Committee on Public Business. But the Resolutions which Her Majesty's Government decided on presenting to the House were not handed in at the Table until, he believed, after midnight, and when very few hon. Members were present. At an early hour that morning—after 2 o'clock—he (Mr. C. Bentinck) protested against that course, and urged upon Her Majesty's Government the unfairness of such a proceeding in the certainty of the absence of a great number of hon. Members of the House, and a large proportion of those who had attended to this question, and who had also sat on the Committee. He also pointed out to the right hon. Gentleman the Prime Minister that he had given a distinct undertaking to himself (Mr. C. Bentinck) that ample notice of discussion on this question would be given. He ventured to submit that that undertaking had not been redeemed. That morning he had seen his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), who held what was ordinarily termed the office of Leader of the Opposition. His right hon. Friend stated that he left the House after 8 o'clock

last night, when no distinct decision had been come to by the Government as to what was to be done at the Morning Sitting that day; that he, too, was under the impression that ample notice would be given, and that he did not consider that even 24 hours' notice would be all that was required.

THE CHANCELLOR OF THE EXCHEQUER said, he rose to a point of Order. The hon. Gentleman opposite appeared to be opening up a question of good or bad faith, which, he submitted, was not a point of Order.

MR. SPEAKER: If the hon. Gentleman the Member for Whitehaven will state the point of Order, I will be happy to give my opinion on it.

MR. CAVENDISH BENTINCK said, if out of Order he would submit to the judgment of the right hon. Gentleman in the Chair, not to that of the Chancellor of the Exchequer.

MR. SPEAKER: The hon. Gentleman the Member for Whitehaven has stated that he wished to raise a distinct question relating to the Orders of the House, but much of the matter introduced by the hon. Member is not of that nature.

MR. CAVENDISH BENTINCK said, he would proceed at once to the point of Order. As far as his experience in that House had given him any means of forming a judgment, the conduct of Her Majesty's Government in that matter was a breach, if not of the Rules of the House, at least of the rules of etiquette. He apprehended that, according to the understanding that existed between the two sides of the House, no question could be set down for discussion unless there was sufficient time to enable Amendments to that question to be duly placed upon the Paper also. In that case the rule, whether it was a Rule of the House or a rule of etiquette, had not been observed by Her Majesty's Government, and he would cite as an argument in favour of the position for which he was contending, the almost analogous case of an Amendment upon the Report of a Bill as amended in Committee. Hon. Members knew that it was a Rule of the House, for which the Standing Orders provided, that no material alterations could be proposed on the Report of a Bill, as amended in Committee, except upon notice of 24 hours, and for the very obvious reason that the House ought to know beforehand when any such Amend-

ments should be considered, and that it was only proper that there should be ample notice. He apprehended that the Resolutions stood in exactly the same category, because a Resolution would not be read twice or three times; there would be only one discussion, and one opportunity for the House to express an opinion upon it. Therefore, according to common sense, justice and precedent, he contended that when Resolutions of such importance, dealing with the rights and privileges of the House of Commons, were to be considered, there should be no attempt, as it were, by a side-wind, to go through them without full discussion. That was the point of Order which he desired to place before the right hon. Gentleman.

MR. SPEAKER: The question of the hon. Member for Whitehaven, as I understand, includes two points—first, the point of Order as to Notice; and, secondly, the question of what is, under the circumstances, sufficient Notice. The rule with regard to Notice is, that Notice must be given on the previous day, and this was done in the instance under discussion. With regard to the sufficiency of the Notice, that is a matter of opinion upon which a difference of judgment may exist, and which may vary with the nature of the case; but as far as the strict rules of order go there is nothing, in my opinion, in them to prevent the House from proceeding with the considerations of the Resolutions.

MR. BOUVERIE: The object of the Rules with regard to Notice is, that Members may have full intimation of what is to be proposed, and that those who wish to move Amendments may be able to give Notice to that effect. The Rule of the House as regards public Notices of Motion is that they should be given at a quarter-past 4, when Members are generally in attendance, and there are means of knowing what is to be done. Generally, important Notices are given at that time; but no doubt it is the practice constantly that Notices of Motion are given privately to the Clerk at the Table after that hour, but that is for a subsequent day, and then they appear on the Paper as Notices of Motion given for a future day. I presume, however, that strictly they are supposed to be given at a quarter-past 4, and not at any time during the evening to the Clerk at the Table. I was myself

Mr. Cavendish Bentinck

here until 2 o'clock this morning, and was not aware that any Notice for discussing these Resolutions had been given. I was anxious myself to give Notice of one or two Amendments to the Resolutions. I understand that when Notice was given, my hon. Friend (Mr. C. Bentinck), who was more wide awake than I was, did ask a question of the Leader of the House as to what was to be done. It was not until this morning, after my breakfast hour, that I saw that some Notice of these Resolutions had been given. I would submit to the candour of the Leader of the House, whether, upon an important question on which hon. Members of this House feel strongly, it would not be proper that adequate Notice should be given, so that those hon. Members who have a desire to move Amendments should have a fair opportunity of doing so.

MR. GLADSTONE: I wish to answer the appeal of my right hon. Friend the Member for Kilmarnock (Mr. Bouverie). In the first place, I do not know upon what authority my right hon. Friend has stated that the Rule of the House is, that Notice should be given at a quarter-past 4. I beg my right hon. Friend's pardon, there is no such Rule. At least, as at present advised, I am disposed to say no such Rule exists. The practice is to give Notice at that time, or in the course of the evening, for next day or a future day, so that hon. Gentlemen when they see the Paper in the morning may be aware what business is coming on in the course of the day. The history of the matter before the House is this—There has been a great pressure on the Government, and questions have been put to us to know when we could proceed with these Resolutions. We have hitherto been very reluctantly obliged to baulk the natural desire of many hon. Members to have these Resolutions proceeded with. What happened yesterday was as follows:—The business began with the consideration of the Army Bill, and in the course of the evening communications were made to us from the other side of the House and the opponents of the Bill generally, to the effect that it would be extremely agreeable to them if the Government would consent to take the Motion of the hon. Member for Finsbury (Mr. W. M. Torrens) on Monday. Under the circumstances, there

being every expectation that the Army Bill would be disposed of last night, it naturally occurred that, having acceded to that wish, we should take Supply this morning; but we took into account the fact that the Government had long ago considered the Resolutions of the Committee on Public Business, and that we had actually made up our minds as to the proposals which we should submit to the House on the subject, although our Resolutions were not actually drawn up. Now, of the three Resolutions which we intended to lay before the House, two were not in the slightest degree connected with our own interests. One of them is intimately connected with the concurrence of independent Members and the other with the propriety of certain proceedings in this House. The latter is that which relates to the power which every hon. Member possesses to call summarily and peremptorily for the exclusion of strangers from the House. Now, the hon. Member for Cambridge (Mr. W. Fowler) has announced his intention positively to introduce a Bill for the repeal of the Contagious Diseases Act on Tuesday next, and under the circumstances it appeared to us not in our own interest, but in the interest of the House itself, that this question with regard to the exclusion of strangers should be disposed of at a Morning Sitting before that day. That is the reason why we determined to propose the Resolution to which I am referring. The hon. Gentleman the Member for Whitehaven was, I think, perfectly satisfied when I made a somewhat similar statement at half-past 2 this morning. [Mr. CAVENDISH BENTINCK: No!] The other Resolution which we intended to propose at this Sitting is that which relates to counting out when the House meets at 9 o'clock. During the last few weeks, although on those occasions the Government formed one-third, and sometimes one-half, of the Members present, yet the House has been counted out at an early period after 9 o'clock, because independent Members and the champions of the rights of independent Members have not thought fit to be in their places for the purpose of making a quorum. We have done what we could by personal attendance to secure that object, and we thought it was really important that we should settle the question without delay, and in a manner generally approved, by a pro-

posal to delay the count for half-an-hour after 9 o'clock, in the interests of independent Members, not our own, because, personally, it would frequently be more convenient to us to go home than to sit here.

Mr. CRAUFURD rose to Order. The right hon. Gentleman was doing that which he had no right to do; he was discussing the Resolutions under circumstances which would preclude any answer being given to his remarks.

Mr. GLADSTONE: I am not speaking to the point of Order, but in reply to an appeal from my right hon. Friend behind me, the Member for Kilmarnock, and if the House does not wish me to proceed I have no desire to do so. I have now stated the reasons which induced us to fix the consideration of those two Resolutions at a Morning Sitting to-day. As to the other Resolution which relates to Supply, I said last night that we should not proceed with it this morning, and my right hon. Friend near me, the Chancellor of the Exchequer, will not proceed with it, but it will remain on the Paper. If the House should not deem it right to proceed with the other Resolutions also, we shall not press them. We simply took a course which we thought would be for the convenience of hon. Members generally.

Mr. COLLINS said, he had had the honour of sitting on the Committee upstairs, and he was under the impression due Notice would be given as to the time when the Resolutions founded on their Report would be brought before the House. Hon. Members had, in his opinion, some right to complain that the 3rd of the Resolutions now proposed was not that of the Committee. The hon. Member for Liverpool (Mr. Graves) had moved in the Committee that the hour before which a count-out could not be moved when the House met at 9 o'clock should be half-past; but the proposal of the right hon. Member for Kilmarnock (Mr. Bouverie), fixing the hour at a quarter-past 9, had been almost unanimously adopted. He thought it, therefore, extremely unfair of the Government to propose a different Resolution from that of the Committee, after only 10 or 12 hours' notice. If the Government thought the change which they suggested an improvement, they ought not, nevertheless, to take the House by surprise. As to the 1st Resolution, with

which it was proposed to proceed, he would merely say that it was, he believed, only by the casting vote of the Chairman that the Committee had determined there should be no debate on the question whether strangers should be ordered to withdraw. Under these circumstances, he hoped the discussion of the Resolutions would not be persisted in on the present occasion; but that another occasion would be taken advantage of, when they would receive that share of the attention of the House as to discussion, to which he (Mr. Collins) considered them fully entitled. He begged to move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Collins.)*

MR. BERESFORD HOPE said, he thought the main point raised in the speech of the right hon. Gentleman the Member for Kilmarnock had not been answered by the Prime Minister. He (Mr. B. Hope) referred to the impossibility of putting any Amendments on the Paper, owing to the shortness of Notice, and he maintained that—putting aside all technicalities, and looking at matters from a common-sense point of view and with fairness, as he trusted they would always be looked upon in an assembly of Gentlemen like the House of Commons, who would disdain to take any advantage of one another—ample Notice ought always be given to Members upon any important business which was to be brought forward, so as to enable them to put their Amendments down. The points raised in the Resolutions were, after all, of the utmost importance to themselves, intimately connected as they were with forms of procedure which had long existed. The right to insist on the exclusion of strangers might be a somewhat obsolete privilege; but it was a very ancient one, and ought not to be parted with without debate. Of the power of "counting-out" the House, it could not be said that it was obsolete, and it certainly was a question on which both sides of the House ought to have ample opportunity afforded them to express an opinion. He himself must strongly protest against the notion that those who were anxious to protect the rights of private Members had any interest in interfering with that privilege. The power of "counting out" he re-

Mr. Collins

garded as a special privilege of private Members, and a Palladium of the proceedings of the House. It was a great protection against bores, and contributed to the saving of the health and lives of Members, as every hon. Gentleman must feel who, like himself, had been in the House this week at 2 and 3 o'clock in the morning, as well as the whole of Wednesday. He did not mean to contend that it might not be desirable to put some restriction on the privilege of "counting out;" but the question was one which ought not, in his opinion, to be decided without mature consideration. The Resolution of the Government on the subject was not that of the Committee; so he trusted they would show their confidence in their own proposal by allowing it to run the gauntlet of free discussion.

THE CHANCELLOR OF THE EXCHEQUER: These proposals are of very small consequence, indeed, to the Government, although we look upon them as of consequence to the convenience of the House. It was, therefore, for that the Government went out of their way to bring them forward. The view of many hon. Gentlemen, however, seems to be that everybody ought to discuss them except the persons who are responsible for framing them. In that view I, for one, cannot acquiesce. We have done what we can to meet the convenience of the House; but we cannot afford to waste time in wrangling over the question. The Government will not proceed with the Resolutions to-day, and we shall put them down for Tuesday; but I cannot give any promise that they will come on for discussion on that day. Whether they do or not will depend on the state of the Public Business. It will not be our fault if, when the Motion of the hon. Member for Cambridge (Mr. W. Fowler) comes on on Tuesday evening, strangers are obliged to withdraw.

SIR HENRY SELWIN-IBBETSON, as a Member of the Committee, said, he wished to say a few words on the subject. He was not present at the discussion which had occurred after 2 o'clock that morning; but he could not help characterizing the mode in which it was proposed to proceed in the present instance as eminently unsatisfactory. Fair Notice ought, he thought, always to be given of the business which was to be

brought on, and the Notice Paper should contain a true record of that business, which was not the case with that which hon. Members received that morning.

MR. NEWDEGATE thanked the Government for postponing the consideration of the Resolutions, as it would have been very unfair to have passed Resolutions which would have been equivalent to Standing Orders without ample Notice having been given. There were several of the Resolutions of the Committee, and especially that which related to taking no opposed business after half-past 12 o'clock, which ought to be submitted to the House. That particular recommendation bore reference to the health of the Speaker and to the health of every hon. Member of the House, and it ought to receive full consideration.

MR. CRAUFURD desired, as the Prime Minister had called in question the propriety of the course which he had deemed it to be his duty to take last Session, to say that he had informed the hon. Member for Cambridge (Mr. W. Fowler), the hon. Member for Devonport (Mr. M. Chambers), and others that he would not move that strangers should be ordered to withdraw when the Motion which had been alluded to came on on Tuesday next.

MR. GLADSTONE said, he had made no reference whatever to the hon. Gentleman.

Motion, by leave, *withdrawn*.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £9,817, to complete the sum for the Fishery Board, Scotland.

MR. CRAUFURD moved that the Vote be omitted. No doubt in the Report made by the Commissioners who had inquired into the Civil Departments in Scotland no distinct recommendation was made as to the Fishery Board; but he thought that anyone who had read the evidence would agree that the Fishery Board was not one which it was necessary to retain. The business of that Board consisted of two main branches—the management of the brand of herrings and the administration of the grant to the harbours. The harbour grant amounted to £3,000 a-year. It might

be said with regard to the branding that that was not a charge upon the country, but that it was paid out of the fees. The principle, however, was the same. It was the last remnant of a system of protective Government guarantee that in old times was much approved, but which had since been thoroughly denounced, and had been departed from in every other case except this. It was true that the Commissioners reported that they were not prepared to recommend the abolition of the brand; but careful consideration of the evidence could not fail to prove that it would be very beneficial to the fishery trade if the brand were removed. As to the other branch of the business of the Fishery Board—the administration of these small grants out of the £3,000 for harbours, this grant had been in existence since the Act of George IV. The Treasury had no control whatever over the application of the grant, and no Report was made to the Treasury or to that House on the subject. All that was done was that Parliament voted the sum every year and the Board spent it. The hon. and learned Member instanced the case of the harbour of Anstruther, for the construction of which Parliament had authorized the expenditure of £35,000. Of this sum, £16,500 had been advanced by the Public Loan Commissioners, and the Fishery Board had been authorized to grant a further loan of £6,500 and to expend a further sum not exceeding £12,000 out of the monies annually voted by Parliament. But the Board, without any sanction from the Treasury have for the last ten years applied the whole of the annual grant of £3,000 for this harbour, and thus have spent upon this harbour £11,000 or £12,000 more than they were authorized to do. Every penny of this money had been thrown away, for the whole of the works had been swept away in a late gale. If branding were abolished and the grant discontinued the *raison d'être* of the Fishery Board was gone. There was another matter. The Secretary to the Fishery Board, who was a valuable public servant, ought not be prejudiced by any such change. But he was also Secretary to the Board of Manufactures, and derived a portion of his salary from each Board. Now he (Mr. Craufurd) would suggest that if the Fishery Board were abolished, there was no reason why

the Secretary should not continue to receive his whole salary as Secretary of the of the Board of Manufactures, or, as that Board should be more properly called, the Board of Arts and Science. The hon. and learned Member then moved the rejection of the Vote.

MR. M'LAREN said, that as to the question of the herring brand, a Paper had been laid upon the Table, from which it appeared that the first suggestion for its abolition came from the Government of the Netherlands, who stated, through their Ambassador in London, that they were ready to do away with the brand provided the British Government simultaneously abolished their brand. The Board of Trade replied—

"I have to request that you will state to his Lordship that the Board of Trade hold opinions against the principle of branding herrings. They will be disposed to agree with the Dutch Government that the system should be put an end to by both Governments; but they cannot do that without reference to the Treasury, which is directed by the Lords Commissioners to say that they hold the system of branding in Scotland to be quite indefensible. But they fear that press of business will preclude them for taking measures for its abolition."

Now, when a foreign Government condemned that system, and our own declared it to be quite indefensible, and the Treasury said they kept it up temporarily only because they had not time to abolish it, their course was clear—they had only to stop the Supplies, and he should support his hon. and learned Friend in his Motion to leave out the whole Estimate.

MR. BAXTER said, he agreed with his hon. and learned Friend the Member for Ayr (Mr. Craufurd) that this Vote for branding was the last lingering remnant of protection. He agreed with his hon. and learned Friend that it would be very beneficial if the herring brand were abolished—the Scotch herring fishery would exist in spite of brands—and he was glad to find that persons who had formerly been opposed to the abolition of the brand now said that they thought that if due notice were given the Government would take a wise step in getting rid of it. What the hon. Member for Edinburgh had said in respect of the official correspondence with the Netherlands Government was quite correct. He felt it to be quite impossible for the present Government to defend the brand. He proposed that two years'

Mr. Craufurd

notice should be given of its abolition, so that the trade might make the necessary arrangements for its cessation. With respect to the grant for harbours, he was not quite sure that he could agree with his hon. and learned Friend the Member for Ayr. The grant had been the means of doing a great deal of good, and he was not at all disposed to go to the length of his hon. and learned Friend and abolish the Board altogether; but he did think that expenditure of this kind should be laid before the House, and that they should know from year to year what was done by those who were spending the public money; and the more so because he admitted that the administration of the grant by the Scotch Fishery Board for the last two or three years certainly required investigation. The Scotch Fishery Board had spent in various ways about £45,000 for Anstruther Harbour; but they were in debt, the harbour was not finished, and, what was worse, it was tumbling to pieces. Mr. Hawkshaw had been sent to examine the works and see what should be done; and, although he had not yet presented his Report, which would probably be in the hands of the Treasury in a few days, he had written a letter stating—apart altogether from his other recommendations, which he had not had time fully to consider—that it was absolutely necessary to spend about £8,000 at once on the harbour, in order to prevent the pier and harbour works from tumbling into the sea. He (Mr. Baxter) had replied to Mr. Hawkshaw's letter that it was quite out of his power to sanction that, that too much money had already been spent on that harbour without the authority of Parliament, and that he could not authorize the outlay of a shilling upon it until the opinion of the House of Commons had been expressed. He hoped his hon. and learned Friend would not think it necessary to oppose the Vote this year. He promised that steps would be taken to abolish branding in two years; and that before the Estimates were again presented to Parliament they would consider what measures it was requisite to adopt in regard to the duties hitherto performed by the Scotch Fishery Board.

MR. GORDON said, he certainly was not surprised at the willingness shown by the Secretary to the Treasury to make a change with reference to branding and

also to the Fishery Board, because when about 18 months ago, upon the representation of his hon. Friends the Members for Ayr and Edinburgh, a Commission was issued by the Government to investigate, among other matters, the necessity of maintaining the Fishery Board and what were its duties, the present Secretary of the Treasury was one of the chief accusers of the Board, and gave the Commissioners to understand that his view was that it might be altogether superseded and its functions intrusted to other authorities. He might, however, state that the duties of the Board were not confined to the branding of herrings and superintending the application of the grant for harbours, but extended to the police to be maintained at the different stations of the herring fishery, to the numbering of the boats, the charge of the nets, and also matters under a recent Act relating to the navigation. The duties were important. He might mention also a curious matter. The hon. Gentleman the Secretary to the Treasury, being then Secretary to the Admiralty, stated, in his evidence before the Commission, that the police duties might be performed efficiently and at no expense under the superintendence of the Admiralty, and that the other duties connected with the numbering of the boats and taking charge of the nets could be performed by persons under the Board of Trade or the Customs. When, however, the Board of Customs were applied to on the matter, the answer it gave was that those duties could not be transferred to its officers without necessitating a great addition to the force of that department, and probably an expense not less than that paid by the Crown under the present system. Then as to the transfer of the police duties to the Admiralty—the First Lord was applied to—and the answer received was that—

"He (the writer) was commanded by my Lords Commissioners of the Admiralty to say that the question had been considered by their Lordships, but that it appeared to them that if any change was made in the present arrangement it should be in the opposite direction to that proposed, as the duties of police were at variance with ideas in accordance with which H.M.'s ships were manned, and such employment of the men in H.M.'s ships would be neither economical nor in accordance with the interests of the service. Their Lordships would therefore prefer that these duties should be performed in some other way."

That, he thought, was tolerably conclusive. There was nothing like giving a dog a bad name, and on that principle "branding" had been called "the last rag of Protection." The effect of the process was not to give any "protection," but merely to provide an authorized certificate from competent officers that herring had been properly cured. Branded herring fetched a higher price, was sold without trouble or expense, and an excellent trade was thus carried on without litigation. Branding involved no expense to the country, inasmuch as the herring curers paid for it, and the pecuniary result of the transaction was to leave a balance in the hands of the Fishery Board. It would create very considerable discontent in Scotland if the Treasury bench persevered in their determination to abolish the system of branding. The herring trade in Scotland was a very important one, and furnished employment to upwards of 70,000 persons—a large number of whom were boatmen, who would be available for our Navy in time of war.

MR. ELLICE said, he did not rise either to support or oppose the branding system—but he did say that the system had worked admirably in times past, and the herring trade had prospered greatly under it; nor was he aware that any dissatisfaction had been expressed by any of the parties interested in the trade—and many of those most largely interested were amongst his constituents. Although he felt that it would be of but little use for him to gainsay the decision of the Government, he only hoped that the course they had adopted in this matter would not prejudicially affect a trade which gave employment to such a large number of the poorer classes of Scotland. It had been stated that by branding the herring casks the Government were preserving the last rag of Protection; but he, on the contrary, regarded the branding of those casks in the same light as he did the branding of gun barrels. The latter stamped the character of the weapon, and the former the character of the contents of the cask. The stamping of the gun barrels was paid for by the manufacturers, and was a certificate that the gun might be safely used, and the herring brand was paid for by the curer, and was a certificate that the contents of the barrel were wholesome food. As to the economical

argument in favour of the abolition of the system, all he could say was, that while the whole expense of the Fishery Board of Scotland was £5,837, the fees paid to the Government for branding amounted to £5,003 per annum. Therefore, in the event of the system of branding being abolished, the result would be that the Fishery Board, which would be obliged to be kept up for other purposes, would have to be paid by a sum to be voted by the House. Then as to the question of the harbour grant, in his opinion the amount of the grant for forming, repairing, and maintaining the small tidal harbours along the eastern coast of Scotland, which were of so much importance to the preservation of the lives and boats of the fishermen engaged in this hazardous trade, so far from being diminished, ought rather to be largely increased. They had to deal with a very large, a very poor, and a most industrious population, on whom a most important supply of wholesome food to the general community depended. The persons who risked their lives in that hazardous calling were all poor people, and one of the chief duties of any Government intrusted with the affairs of this country was, it seemed to him, to encourage and protect that useful class of persons. It had been the policy of the Government for many years past to spend a small sum only—in his opinion a great deal too small a sum—in erecting, repairing, and preserving small harbours of refuge for the fisheries of those people. It was perfectly well known to hon. Members that the whole east coast of Scotland, on which the fisheries chiefly lay, was wholly open and unprotected by any natural harbours, and that it was upon these small fishery harbours, which were mostly tidal, that the safety of the boats and the fishermen engaged depended. And he must say that, as far as he was aware, the Fishery Board of Scotland had expended the small and inadequate funds placed at their disposal in a manner that had given general satisfaction. With respect to the harbour of Anstruther, for the construction of which sums had been borrowed on the authority of Acts of Parliament, he trusted that some satisfactory explanation would be able to be given for the partial failure of the works that had been commenced

Mr. Ellice

there. Looking to the eminence and character of the Government engineers employed, he had no doubt such an explanation could be given; but the result had been that over £50,000 had been expended; there was a considerable sum still due to the contractors; and a further sum was required to put the works in such a state that they would afford adequate protection. When the Anstruther Harbour was completed it would be of the greatest advantage to the population of that coast. It ought to have been completed in three or four years; but the engineers had been controlled by a want of funds. As the Government made a bargain with the people of Anstruther, and took possession of the only harbour they had for the purpose of constructing a new harbour, it was the duty of the Government to see that no further delay should occur in the completion of that harbour.

SIR ROBERT ANSTRUTHER said, he rose to confirm the statement of the hon. Member for St. Andrew's. He would not have the Committee suppose that this was a case in which the inhabitants and fishermen of Anstruther alone were concerned. The whole of the very large fishing population upon the east coast of Scotland, and upon the east of Fifeshire and the Lothians, was exposed to very severe weather, yet along the whole of those shores there was but one harbour—Dunbar—to which fishing boats could run for shelter. Up to the present time no doubt the Anstruther Harbour was a lamentable failure; but as about £49,000 had been expended upon it, energetic efforts ought to be made to complete the harbour. The very fact that the harbour works had so signally failed was a proof of the violence of the storms to which those coasts were exposed. As to the question of branding, it was not denied that the whole expense was paid by the fish curers and fishermen themselves. Had it been paid by the public he might have had considerable doubt whether they should have been called upon to continue a system which gave a manifest advantage to those who dealt in the articles marked by this particular brand. But as the expense was borne by the dealers themselves, and they were willing to pay for what they considered a certificate of character, there was nothing unreasonable in continuing it.

SIR JAMES ELPHINSTONE saw no reason why the Fishery Board should be attacked. On the contrary, he thought it one of those institutions which ought to be very much strengthened; and if Her Majesty's Government had proposed to make it a large grant of money he would have supported the proposal. Probably one cause of the failure at Anstruther was the attempt to project new piers into the sea instead of excavating the harbour behind the piers already in existence. If the latter plan had been adopted the Government might, with the expenditure of one-tenth of the sum which had been already laid out, have now had a practical and useful harbour; whereas by attempting to run the piers into the sea they met with or occasioned seas or cross-currents the force of which they had not calculated. There was another thing connected with our fisheries which he should like to see the Fishery Board employed in carrying out. He should like to see the Fishery Board supplied with funds to enable them to place model fishing boats at particular points on the coast, so that the fishermen might be gradually induced to abandon the low freeboard boats which were the cause of so much loss of life. When the Duke of Richmond was at the Board of Trade he had the pleasure of communicating with him on the subject, and he had no doubt that if the noble Duke had remained in office a little longer the suggestion would have been carried out. There was a third point, and that was the police which it was necessary to maintain at these harbours. His hon. Friend the Member for the Wick Burghs (Mr. Loch) would bear him out as to the enormous number of fishing boats which went to sea every night, and that almost every casualty arose from collisions. Sometimes no fewer than 1,100 or 1,200 boats went to sea at night—so that the necessity of maintaining a police along the coast became apparent. There was also the encroachment of foreigners to guard against. As the Fishery Board was within a very narrow amount of being a profit to Government he could not conceive any good reason for reducing or altering its scope or making the changes asked for. On the contrary, he saw good cause for granting more money to carry out its objects, and he felt quite sure it would be to the advantage

of the community if such additional grant were made. The discussion as to the brand had been exhausted, except as to one point, and that was the anxiety of the Dutch Government to get rid of the brand. The Dutch were famous as a nation for perseverance, astuteness and other good qualities, and especially for looking after their own interest, and as the Dutch herrings were the only herrings which competed with ours in foreign ports it was a matter of the greatest importance if they could get us to abandon the brand. As long as our herrings went to the Continent with the Government brand, they were looked upon as equal to the Dutch; but if you abolished the brand the Dutch herrings would bring a higher price. The Dutch herring brand spoke for itself as the Scotch herring brand did. He should certainly oppose the Amendment.

COLONEL SYKES said, the question of the brand was a most important one. He was decidedly opposed to its removal. Confidence was given to consumers in all parts of the world by the present system; but if the brand were taken away the confidence of the consumer was shaken or abandoned, and consequently the consumption was reduced. He believed it to be a fact that no less than 10,000 boats went out from Wick fishing every year, and he maintained it was an act of public policy to encourage a fishery which produced seamen in such numbers and of such a character; because in a case of emergency no better man-of-war's men could be found than the men who were engaged in herring fishing in Scotland.

MR. LOCH said, he did not think the Government could have given the brand question the attention which its importance demanded, else they could not have arrived at any such conclusion as that to which they appeared to have come. The experiment was a very dangerous one, for it affected a class of the population who could but little afford to stand the risks attending it. The Northern districts of Scotland were inhabited by a very poor and humble class of persons, who had few resources of their own, and but limited means of obtaining labour at home; and it was to the herring trade they looked for their means of living from year to year. It was with the interests of those poor and helpless people that this experiment would come

into contact if the Government persisted. The brand was of very great value to the fish curers. Our principal foreign customers were the Germans, and the herrings were sent to them certified with the Government brand. Now, in those countries the Government brand was looked upon as of far greater importance than any private brand would ever be. His hon. Friend the Secretary to the Treasury (Mr. Baxter) had spoken about some communication between this Government and the Dutch Government. He said the Dutch Government were prepared to put an end to their brand, on condition that we put an end to ours. The offer was simply ridiculous. The Committee would be surprised when he told them the proportion between the herring trades of the two countries. In 1855 the Scotch herrings exported to Germany measured 388,000 barrels, while the Dutch herrings were only 1,800 barrels; yet with such a difference, it was proposed that we should meet them half way. It had been argued that the effect of the brand was to remove the inducement of the Scotch curer to improve the quality of his herrings. That was a mistake—it was the interest of the curer as it was of every other manufacturer to produce the best article he could. The effect of the brand was to certify that the barrel contained a properly prepared article; and without it the barrels would have to be opened individually to ascertain the quality. The brand was of most importance to the poor fisherman, for it enabled him to get the same price for his article as his wealthier rivals. If he complied with the conditions of the Government and got the brand, his herrings were as valuable, and commanded as high a price in Germany as the herrings of any of the great curers. Do away with the brand, and they would confine the traffic to the great curers.

MR. MACFIE said, his constituents were interested in this question, and they had shown their interest in two ways. In the first place, they intrusted him with a Petition to the House in favour of the maintenance of the herring brand, and in the next place they had deputed a gentleman thoroughly conversant with the entire subject, to make the Government acquainted with their feelings respecting it. That gentleman had told him that the abolition of the brand

would cause a depreciation of £100,000 a-year in the herring trade. It was not a question of protection—it was the principle of maintaining for the advantage of a very important existing trade the benefit of a trade-mark which had been established almost from time immemorial. If they took away that, they would greatly depreciate the value of the Scotch herrings, and they had the truth of that in the statement in the correspondence with the Dutch Government—that the continuance of the brand would lead to the price of Dutch herrings being as much below the Scotch as the Norwegian. Not a single Commission had ventured to recommend abolishing the brand. On the contrary, they had had the most emphatic testimony as to the advantage and almost the necessity of maintaining the brand. When they found that a system of business had been established, and had succeeded, surely it was a piece of infatuation to make a change.

MR. M'LAREN said, that it was not to be wondered at that the Members for the Northern fishery burghs should oppose any proposition for removing this remnant of protection; but history showed that the parties most interested in the events were always the worst judges of what was good for them. He should support the abolition of the branding, believing that it was opposed to the principles of free trade, and that it was of no real advantage, but rather the contrary, to those whose interests it was supposed to protect. The Dutch had used a brand, and if it was the cause of the herring trade flourishing in Scotland, why should it not render the Dutch trade also flourishing? Yet the Dutch trade was rapidly declining. The last census showed that the population of Wick was declining. That did not look as if the system was doing them much good. The abolition of the brand would give an impetus to free trade principles and explode an antiquated notion. The superior quality of the article would, he maintained, continue to bring the best price after the brand was abolished.

VISCOUNT ST. LAWRENCE, knowing something of an Irish fishery connected with Howth, could bear testimony to the fact that the system of branding was regarded as extremely advantageous.

MR. CRAUFURD said, that after the reply which had been given by the Se-

Mr. Loch

cretary to the Treasury, he would not press his Motion to a division. He hoped his hon. Friend would at once issue the notice to which he referred.

MR. ELLICE, referring to the remarks which had been made with respect to Anstruther Harbour, pointed out that the Board were constantly in communication with the Treasury, and that they could not spend 6*d.* out of the annual Vote which they received without the consent of the Government. Some portion of the works were very magnificent and substantial—only some parts were inferior, and it was these that had given way.

MR. ROBERTSON wished the hon. Member the Secretary to the Treasury (Mr. Baxter) and the Mover of the Motion for the omission of this Vote (Mr. Craufurd) to distinctly understand that there was not a general concurrence of opinion amongst the Scotch Members in what they were about to do, and if the brands were to be removed, it was not to be supposed that such was the general desire of the Scotch Members.

Vote agreed to.

(2.) £23,800, to complete the sum for the General Register Office and Census, Scotland.

(3.) £4,503, to complete the sum for the Board of Lunacy, Scotland.

(4.) £13,286, to complete the sum for the Board of Supervision for Relief of the Poor, Scotland.

(5.) Motion made, and Question proposed,

“That a sum, not exceeding £4,731, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses.”

MR. RYLANDS rose to move the rejection of the item for Queen's Plates. It appeared indefensible in regard to the administration of the public revenue to vote this sum of money in the Estimates. They had got rid of a similar Vote for England, and last year they abolished the Vote for the Queen's Plates in Scotland. He therefore moved that the present Vote be reduced by the sum of £1,562 6*s.* 2*d.*, the amount proposed to be given for Queen's Plates in Ireland.

Motion made, and Question proposed, “That the Item of £1,562 6*s.* 2*d.*, for Queen's Plates, be omitted from the proposed Vote.”—(*Mr. Rylands.*)

COLONEL FRENCH said, that the hon. Gentleman was wrong in his statement that Queen's Plates had been given up so far as England was concerned. No Vote was ever taken for Queen's Plates in England, as the money came out of Her Majesty's Privy Purse; and, as for the Queen's Plates in Scotland, they were abandoned at the request of the representatives for Scotland. It was a matter of considerable importance to maintain the breed of horses in Ireland for the purpose of mounting the cavalry, and, consequently, he objected to the withdrawal of the item for the Queen's Plates.

SIR GRAHAM MONTGOMERY said, he would vote for disallowing this item; for if it was wrong to vote money for Queen's Plates in Scotland, it must be equally wrong to vote money for Queen's Plates in Ireland.

MR. BAXTER observed, that the simple reason why the Government allowed the Queen's Plates as respects Scotland to be removed from the Estimates last year was because the general opinion of Scotch Members appeared to be in favour of that course. Not a single Member from Scotland, in fact, rose in his place to object to the omission. No similar opinion, however, had been expressed on the part of the Irish Members, and therefore the Government had retained the Vote.

MR. ROBERTSON was in favour of continuing the Queen's Plates in Ireland, and he hoped to see them restored to Scotland. The omission had occasioned the greatest possible dissatisfaction.

MR. M'LAREN said, that the Vote for Queen's Plates in Scotland was struck out of the Estimates without a division; and he and the few Scotch Members present assented on the distinct understanding that the same principle was to be applied to Ireland. The Vote for Ireland had, however, reappeared in the Estimates, and he should vote against it, for he thought that it would now be most unjust to make the Scotch people contribute towards the expense of Queen's Plates in Ireland.

MR. HERMON hoped that the hon. Member for Warrington would insist on the omission of the item for Queen's Plates in Ireland, which had nothing to do with the encouragement of a good breed of horses. If the Irish Members desired to have a prize offered for racing in that country, let them subscribe the money out of their own pockets, and let the prize be called "The Irish Members' Plate."

VISCOUNT ST. LAWRENCE considered that it would be peculiarly inopportune to negative the Vote in the present year, since there had been, in consequence of the late war on the Continent, a great drain of horses from Ireland.

MR. ANDERSON said, he had no objection to Queen's Plates in the abstract, nor to racing—on the contrary, he was rather fond of the latter—but had a great objection to Parliament voting money for horse-racing in Ireland when it voted none for that purpose either in England or Scotland. If Irishmen or Scotchmen wanted to have Queen's Plates, let them go to the Queen and ask for them.

SIR PATRICK O'BRIEN said, if the hon. Member for Berwickshire (Mr. Robertson) brought on a Motion to restore the Scotch Vote he had no doubt he would be supported by a majority by the Irish Members. The omission of the Scotch Vote had not given satisfaction, because he had himself heard certain Scotch Members say that one or two Scotch representatives had been a great deal too ready to take money out of the country against the wishes of the people. The Irish were a sensitive people, who had, rightly or wrongly, a feeling that frequent attempts were made in that House to diminish the few privileges they enjoyed; and he did not think it was worth while, for the sake of the small sum now in question, to lend any countenance to that feeling.

MR. STACPOOLE approved these Votes, and recommended their more equal distribution.

MR. ALDERMAN LUSK said, he was astonished at Irish Members coming there for that paltry sum; and asked why, if they wanted Plates, they did not put their hands in their own pockets like gentlemen and subscribe for them.

MR. MURPHY said, he would certainly vote for the restoration of the

Scotch Vote, as he objected to its withdrawal last year; and he hoped the Scotch Members would to-day support the Irish Vote. Moreover, it would be unjust to withdraw it this year, as a Queen's Plate had, on the faith of it, been advertised to be run for at Cork some two months hence.

SIR JAMES ELPHINSTONE said, the hon. Member for Warrington had moved the reduction of this Vote on the ground that a similar Motion had been carried for Scotland last year. In his opinion, however, that was a piece of gross hypocrisy on the part of his countrymen last year; and it was no reason why they should do an act of injustice to Ireland now. He would vote with the Irish Members in favour of these Queen's Plates; and hoped they would support the proposal to restore them to Scotland when brought forward next year.

SIR ROBERT PEEL said, that not only was a Queen's Plate advertised to be run for at Cork two months hence, but two or three of those Plates had already been actually won by horses this year; and as they could not expect the Chancellor of the Exchequer to find the money out of his own pocket, he asked from what fund the winners were to be paid? It was a great pity that the Scotch Plates had been abolished; and it was rather a singular circumstance that the first gentleman to raise the question of their abolition was an Irishman, the hon. Member for Dublin (Mr. Pim). He agreed in much that the hon. Member for Warrington (Mr. Rylands) wished to do in the way of economy, but hoped he would not persevere in his present Motion—a very unsportsmanlike proceeding. That Vote did a great amount of good in creating sport, of which the Irish were very fond, and in bringing people together at a social gathering from various parts of the country; and it would be very unwise, suddenly and almost without notice, to take away a paltry sum like that given for such a purpose. Many hon. Members who were interested in this question were absent, and he believed that the hon. Member for Warrington would best consult the wishes of his Irish friends about him by withdrawing his Motion.

MR. SCLATER-BOOTH hoped that the Government would announce some

decided line of policy with regard to this matter, and would either restore the Vote for the Scotch Queen's Plates or abolish the Votes for Queen's Plates altogether.

THE CHANCELLOR OF THE EXCHEQUER said, that the conduct of the Government had been perfectly consistent in the matter, inasmuch as they had consented to omit the Vote for the Scotch Queen's Plates, because the Scotch Members wished them to do so, and they proposed to retain the Vote for the Irish Queen's Plates in deference to the wishes of the Irish Members.

MR. KINNAIRD could hardly believe his ears. He was astonished to find that anyone professing to be such an economist as the right hon. Gentleman should endeavour to get the Committee to agree to the Vote under discussion by such a low subterfuge as he had resorted to. And he would observe that it was not on the Motion of a Scotch Member that the Votes for the Queen's Plates in Scotland had been withdrawn.

THE CHAIRMAN drew the hon. Member's attention to the fact that it was un-Parliamentary to charge an hon. Member with having had recourse to a low subterfuge. [*Laughter.*]

MR. KINNAIRD explained that he had applied the expression to the right hon. Gentleman's argument and not to his person. The right hon. Gentleman was totally incapable of being low. It would be easy enough to meet the objection of the right hon. Baronet (Sir Robert Peel) by adopting the course which had been taken last year with regard to the Scotch Queen's Plates, and bringing in a supplemental Estimate to enable the Government to find the funds for those Queen's Plates which had already been either run for or advertised.

MR. MONK also thought that the suggestion of the hon. Member who had just sat down would meet the difficulty which had been pointed out.

MR. BOUVERIE said, he wished to make one or two remarks upon the subject under discussion before the Committee went to a division. It was unfortunate that the withdrawal of the Vote for the Scotch Queen's Plates had been supported by one or two Scotch Members who were supposed to represent the voice of the Scotch Members generally, who, in fact, had no real objection to the Vote, while the great bulk of the Scotch people

regarded the abolition of these Queen's Plates with regret. A distinction was to be drawn between the great assemblages of gamblers and blackguards at race meetings in the neighbourhood of the Metropolis and the social gatherings of the peasantry and the farmers at the races in Ireland to witness an innocent English sport. The chief defence of this Vote was that as regarded both Scotland and Ireland these Queen's Plates were formerly a charge upon the hereditary revenues of the Crown, which, having been now brought into the public Exchequer, the charges upon them had to be voted by Parliament every year. He should vote in favour of granting the money for the Plates, because he thought that our Irish fellow-countrymen did not get a great deal in this way—and that, although we were always anxious to show our sympathy with them in many respects as a nation, they did not get the same advantages as we did, such as the benefit derived from a Royal residence. While we were spending thousands upon the embellishment of the Metropolis it was unfair to begrudge the Irish people a paltry £1,500 per annum for their amusement. He trusted that the House of Commons would not be indisposed to continue the grant.

MR. MITCHELL HENRY said, that he would just remind hon. Members on the Conservative bench that he had been told on the highest authority (Mr. Disraeli), that one reason why "the Irish were not contented was that they are not amused." There was much more truth in this saying than at first sight might appear, as was often the case with what fell from the right hon. Gentleman. It was true enough that Ireland was too sad to be amused, and a little reflection would show that the national games and sports of the great mass of the people took their tone and in a great measure depended on the presence and examples of those in higher stations of life. In England and in Scotland, in every village there were rural sports in which the residents of the neighbourhood took their part; but in Ireland there was but little of the kind. There were so many non-resident proprietors, and so much of the soil belonged to absentee landlords and public companies, that these social influences were greatly wanting, and perhaps races might be said to form the only national pastime. Racing in Ire-

land was not like race meetings in England—an occasion for extensive gambling and drunkenness; but the people took the greatest interest in the sport itself, and very often you may see their ministers of religion watching over and participating in the pastimes of their flocks, and by their presence preventing much that was evil, and showing that religion and amusement were not necessarily divorced from each other. He did hope, and, indeed, did not doubt, but that the Committee would confirm this grant, and not in a narrow-minded spirit interfere with national pastimes, to which the people were much attached.

MR. CONOLLY thanked the right hon. Member for Kilmarnock for the generous sentiments he had expressed towards Ireland.

Question put.

The Committee divided:—Ayes 75; Noes 133: Majority 58.

Original Question put, and agreed to.

(6.) £20,935, to complete the sum for the Offices of the Chief Secretary to the Lord Lieutenant of Ireland.

(7.) £300, to complete the sum for the Expenses of the Boundary Survey, Ireland.

(8.) £1,793, to complete the sum for the Charitable Donations and Bequests Office, Ireland.

(9.) £27,168, to complete the sum for the General Register Office and Census, Ireland.

(10.) £77,211, to complete the sum for the Poor Law Commission, Ireland.

(11.) £3,514, to complete the sum for the Public Record Office, &c., Ireland.

(12.) £19,822, to complete the sum for the Office of Public Works, Ireland.

(13.) £33,810, to complete the sum for Law Charges and Department of Solicitor to the Treasury.

(14.) £157,173, to complete the sum for Criminal Prosecutions, Sheriffs' Expenses, &c.

MR. G. B. GREGORY observed that the Vote included £3,000 for clerks of assize, and about £5,000 for officers of the same character called Judges' associates. The clerks of assize performed duties on circuit, and the associates performed duties in town. They were gentlemanly, easy offices, and it was not surprising that some of the

holders of them bore the names of eminent Judges who presided over the Courts to which they were attached. He did not mean to complain of these officers; but he hoped that in any new scheme that might be introduced for the administration of the law, these offices, which were in the nature of sinecures, would be abolished, and that any person taking one of these offices in future would be informed that he took it upon the understanding that it would probably be abolished, in which case he would not be entitled to compensation.

MR. BAXTER said, that inquiry would be necessary before anything could be done with regard to this subject. He would, however, assure the hon. Gentleman that the subject should not be lost sight of.

MR. SCLATER-BOOTH said, the subject had been already investigated, and the Government had sufficient information.

MR. AYRTON said, that having regard to the great changes that might be made in the administration of the law, it might be desirable to introduce a Bill providing that persons who might be appointed to offices in that Department should not be entitled to large claims for compensation in case of the abolition of their offices.

MR. DENMAN said, he must deny that the appointments referred to by the hon. and learned Member for East Sussex (Mr. G. B. Gregory) were appointments in the nature of sinecures. One of the gentlemen referred to bore the same name as himself. He happened to go the very circuit to which that gentleman was attached, and, so far from his office being a sinecure, he had a great deal to do, and did a great deal. The salaries of these offices, if they were revised, might probably be reduced; but it was a great advantage to the public that these offices were held by gentlemen of some position. They were the heads of large staffs—of some six or seven persons engaged in the administration of the law, and they caused the work to be done expeditiously, harmoniously, and courteously to all concerned.

MR. G. B. GREGORY explained that he did not say that these gentlemen had no duties to perform.

MR. ALDERMAN LUSK said, he must complain of the hardship inflicted on jurors, who were required to give their

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services for days, or weeks, or it might be even months, and at the end of that time only received the remuneration of a single sovereign. It was not just to take men from their business without some sort of compensation.

Vote agreed to.

(15.) £133,202, to complete the sum for the Court of Chancery.

MR. HUNT, as Chairman of the Committee on Public Accounts, said, he wished to call attention to a matter which had transpired in the course of their investigations. It appeared that, notwithstanding the Act passed in 1869 that the Treasury was to be a party to all alterations of salary in connection with the Court of Chancery, the Lord Chancellor, under previous Acts, claimed the right to make alterations without the consent of the Treasury. The salary of a Chief Clerk of one of the Judges in Chancery had been increased from £1,200 to £1,500 a-year without the three years' probation required by one of the Acts. It was pointed out to the Lord Chancellor that a subsequent Act had been passed which, in his (Mr. Hunt's) view, modified the operation of the previous Act, allowing the increase of salary without any probation whatever; and it was stated that in a certain case a clerk had his salary raised from £1,200 to £1,500 a-year after a fortnight's service, on the certificate of the Judge that the clerk had discharged his duty to his entire satisfaction. That was a great scandal, and the Committee wished to prevent its recurrence. The Lord Chancellor, however, gave reasons why the proceeding might be defended, if a competent person could not be obtained at less than the maximum salary. But in that case the Lord Chancellor ought to get an Act passed to increase the salary of Chief Clerks. He wished to ask whether the attention of Her Majesty's Government had been called to that paragraph in the Report of the Committee on Public Accounts which said that it was desirable that the Treasury should be a party to all alterations of salaries and office expenses of the Courts of Law, and which recommended that the Treasury should institute an inquiry into the operations of the Act on the subject?

MR. SINCLAIR AYTOUN said, that 15 & 16 *Vict.* c. 80, empowered the Lord

Chancellor to direct that the salary of any Chief Clerk might be increased from time to time until it amounted to £1,500, provided no such increase was given until the Chief Clerk had been in office three years, and had obtained a certificate that he had conducted himself to the satisfaction of the Judge, the increase to be by annual sums of £100. By 23 & 24 *Vict.* c. 49, s. 12, the Lord Chancellor was empowered, upon certificate of the Judge, to order that the salary should be increased to the full amount in a somewhat different manner. The Lord Chancellor took the view that by 23 & 24 *Vict.* he was enabled to increase the salary without any probation whatever. The opinion of the Controller and Auditor General, however, was different, and was to the effect that the Lord Chancellor might, on the proper certificate, make the entire increase, not by separate hundreds running over a period of three years, but at once, after a probation of three years, and that appeared to him the correct view. It appeared monstrous to argue that a clerk, if he obtained the required certificate, might have his salary increased to the full amount after only 14 days' service. He regretted that the Committee of Accounts had not expressed in stronger language their sense of the unpopularity of the transaction. In his opinion, it was nothing less than a misapplication of the public money.

THE CHANCELLOR OF THE EXCHEQUER said, he was sure the Committee would feel very grateful to the right hon. Gentleman opposite, and to the Committee over which he so ably presided, for the statement which he had made respecting the existence of a state of things which no one would wish to continue. He should take care that inquiries should be instituted into the matter, and he might say that he would do so with the utmost confidence, as there was no one more willing to listen to reason than the present Lord Chancellor, or one more anxious for the good of the public service. Some little inquiry had been made already, but it could not be completed until after the passing of the Chancery Funds Bill.

Vote agreed to.

Resolutions to be reported upon *Monday* next; Committee to sit again *this day*.

And, it being now five minutes to Seven of the clock, House suspended its sitting.

House resumed its sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LOTTERY ACTS.—RESOLUTION.

MR. CHARLEY rose to call attention to the existence of Illegal Lotteries, and to move—

"That the provisions of the Lottery Acts ought to be impartially enforced by Her Majesty's Government against illegal Lotteries, irrespective of their objects, in all parts of the United Kingdom."

In the first place, the hon. and learned Gentleman remarked that the law pronounced all lotteries, of whatever kind, and in whatever part of the country they were established, to be illegal, with the exception only of those in connection with Art Unions, and even these had to be approved by the Privy Council, or carried on under Royal Charter; and in connection with that part of his subject, he was only asking the House to re-affirm a principle of which it has always been a strenuous advocate—namely, that the laws be impartially enforced without fear or favour. Moreover, the laws made no distinction between lotteries for religious and secular objects, as all lotteries were pronounced by the State to be illegal, because they had a direct tendency to promote gambling, and to swell the tide of pauperism and vice. It was true that an Act passed in 1856 deprived private persons of the right to sue promoters of lotteries for the recovery of deposits or penalties; but that was done in order that the prosecution of offenders should rest in the hands of responsible officers of the Crown, and should not be left to the caprice of individuals. Nothing, however, could be more capricious than the proceedings of the Government in carrying out the Lotteries Act; the Home Secretary had made distinction between lotteries without any legal authority, and he had even expressed regret that the Lord Advocate had by a circular secured the withdrawal of lottery tickets in Scot-

land—against which country he (Mr Charley) had nothing to complain of on account of the occurrence of the practice—because he thought it would be better to allow the law to be violated than deprive certain benevolent institutions of the profits arising from the lottery. The Home Secretary, in fact, seemed to think the end sanctified the means; but the principles of Ignatius Loyola ill-became a Minister of the British Crown. Passing from Scotland to England, he found that the law had been very strictly enforced in England also with reference to lotteries unconnected with so-called religious objects. Two cases had recently come before the metropolitan police magistrates, one of which concerned what was described as the South London Art Union. The other was the case of a lottery promoted during the Franco-German War for the benefit of the German wounded, and honoured by a communication from Count Bismarck. The promoter was informed by a detective that lotteries in England were illegal, and upon the promoter saying that he would write to the Foreign Secretary, the reply was that he might if he pleased; but the answer would appear, if made, not to have been in any way favourable, for both speculations were alike remorselessly suppressed. If the promoters, however, had endeavoured to get up a lottery in favour of some Roman Catholic institution, the threat of an application to a Secretary of State might not have been regarded as so hopeless. He now desired to call the attention of the House to the case of a lottery at Oldham, advertised to be held in support of some day and Sunday schools, with a view to the enlargement of premises and keeping them out of the hands of the school board. The lottery was stated by its promoters to be conducted on the principle of the Art Union, under the patronage of the Bishop of Manchester, and among the prizes to be distributed were a bust of Napoleon, a set of Mr. Disraeli's novels, including, he presumed, a copy of *Lothair*, a likeness of the Bishop of Manchester, and an excellent portrait of the late Earl of Derby. The announcements about this lottery, which were widely distributed throughout Wales, especially among Sunday school teachers and servants of clergymen, gave details of the poverty of the "parish," and purported to come from the "rector;"

but if ever there was a lottery got up on false pretences it was this one, for it might surprise the House to know that the lottery was in aid of Roman Catholic schools, and the "rector" from whom they proceeded was a priest of that Church. It would be found by a Return for which he moved last year, that the attention of the Home Secretary was drawn to this, as well as to other lotteries, by the Secretary of the Scottish Reformation Society, and in answer, it was stated on behalf of Mr. Bruce that the Treasury Solicitor had already been instructed to warn the parties concerned of the illegality of the scheme in which they were engaged. In the subsequent correspondence it was stated that on the receipt of the first notice the promoters of the lottery had recalled the tickets and stopped the affair; but, despite the assurances of the right hon. Gentleman the Home Secretary, there were many who had been unable, after having subscribed, to obtain the return of their money. The "rector," as he called himself, or, in other words, the promoter, a Mr. Brinton, had inserted an advertisement in a local Oldham paper, stating that those who applied for their money would have it returned; but there were many who would not see the advertisement, and who, failing to make the application, would never get their money back. In Ireland he believed there had been 55 lotteries of late years, and that 16,000,000 tickets, representing £400,000, had been sold, and in most of these lotteries a supplementary ticket in a lottery, to consist of all prizes, had been offered to those who disposed of a certain number of tickets as a bribe to induce them to exert themselves to sell these tickets. In one of the announcements of these lotteries was a quotation, excellent enough except as regarded its neighbourhood, from a speech of the hon. and learned Gentleman the Solicitor General for Ireland, and close by was an advertisement about a foreign lottery, where one of the prizes amounted to £20,000, although the insertion of these advertisements was forbidden under a penalty of £50. Moreover, some of these lotteries appeared to be annual lotteries. When he had, on a former occasion, put a Question on this subject to the late Chief Secretary for Ireland (Mr. C. Fortescue), he had received a very unsatisfactory reply, for that right hon.

Gentleman's answer was, that those lotteries had no tendency to increase gambling, and if anybody deemed them contrary to the letter of the law the Courts were open and the question might be tried. The noble Lord the present Chief Secretary, in the same way, in reply to another Question, said that if the lotteries were illegal there was no difficulty in bringing *qui tam* actions against the promoters. A *qui tam* action was one in which a person sued as well for himself as for the Queen; and as by the Act of 1806 the forfeiture was taken from the informer and given entirely to the Crown, it was practically impossible to bring an action of this description at the present time. The noble Lord the Chief Secretary for Ireland practically said to the Irish Protestants that they might violate the law if they chose, but as one of the promoters of the Irish Church Sustentation Fund he (Mr. Charley) should be very sorry to resort to any such mode of raising the wind. It would be most unfair after they had disendowed the Church in Ireland to allow the clergy to gamble for endowments. There were some persons whose practice fell short of their preaching, but the Home Secretary was an exception to this rule, for in his case the preaching fell short of the practice, as exemplified in certain rules laid down by the right hon. Gentleman in the last Session of Parliament. The right hon. Gentleman laid it down that it was better for the law to be violated than that the promoters of these lotteries should be deprived of the benefit to be obtained from them, and that, therefore, the Secretary of State ought to possess the power of allowing the holding of lotteries for objects which he approved; he also said that the practice had been to threaten the promoters of these illegal lotteries, but not to carry out the threat in cases where the object of the lottery was a charitable one—a line of conduct which, in his (Mr. Charley's) opinion, was rather calculated to bring the administration of the law into contempt. The right hon. Gentleman not only did this, but he laid down the extraordinary distinction already referred to between religious and secular lotteries, thus producing an agglomeration of principles which needed only to be enunciated to be condemned. The right hon. Gentleman, moreover, appeared to forget that it required two sets of persons to form a

lottery—the promoters and the persons who purchased the chances; and though the promoters might desire to confer benefit upon very desirable objects, it was self-evident that they appealed to motives beyond or other than charitable ones. If the person buying chances in a lottery were a friend of the promoter or of the object promoted, he would be willing to give as a subscription as large a sum as he paid for chances; but if he were—as was the fact in the majority of cases—unknown to the promoters and cared little or nothing for the objects sought to be gained by the lottery, he would be simply a man possessed by the gambling spirit, and desiring to enrich himself by a small pecuniary outlay at the expense of the promoter, who in his turn was laughing in his sleeve at the gullibility of his would-be victimizer. Again, as in the case of the Oldham lottery, false pretences were sometimes resorted to, and persons were trapped into supporting by the purchase of tickets objects to which they were altogether hostile. It might be said that the maxim *caveat emptor* applied, and that the purchasers of lottery tickets must look out for themselves; but in his opinion the principle upon which later legislation on the subject had been founded was that of protecting the public against extreme recklessness in speculation and consequent ruin. Only a short time ago the case was related of two highly-respectable young women, who had gained a scanty livelihood by needlework, but one of them falling ill they were reduced to poverty, and the other risked their little all in the purchase of a lottery ticket, hoping to retrieve their position. The chance failed, however, and they were ruined. He would say, in concluding, that as State lotteries had been prohibited by Parliament so far back as 1806, he wished to know if it was now to be said that the Church had a less scrupulous conscience than the State, and begged to move the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “the provisions of the Lottery Acts ought to be impartially enforced by Her Majesty’s Government against illegal Lotteries, irrespective of their objects, in all parts of the United Kingdom,”—
(*Mr. Charley.*)

—instead thereof.

Mr. Charley

MR. BRUCE said, that while the Motion of the hon. and learned Gentleman the Member for Salford (*Mr. Charley*) spoke of the Acts being “impartially” enforced, the whole scope of his arguments went to prove that they ought to be enforced indiscriminately. This was the point of difference between them, and his (*Mr. Bruce’s*) contention was, that the fact of the Legislature having taken lottery prosecutions out of the hands of common informers and vested them in the Attorney General on behalf of the Crown, showed that it was intended to give the Executive Government a discretionary power, to be exercised according to circumstances, in regard to the holding of these lotteries. If that were not so, why was the power taken from the informer at all? Then came the real question—Was that power so removed wisely exercised? So far as his own line of conduct was concerned, it was that which had been pursued by his predecessors in office, of whatever party, and he believed it was a line consistent with the intentions of the Legislature, and approved by the majority of the people. The hon. and learned Gentleman maintained that there was no power now to bring *qui tam* actions. That contention was quite correct; but it was no less true that a remedy might be found in an indictment for a nuisance, or by summary proceedings before a magistrate. The original lottery statute passed in 1802 was severely penal upon those who offended against its provisions, imposing penalties to the extent of £500, or in default of payment a term of three months’ imprisonment; but in 1806 another Lottery Act was passed, for the purpose of granting to the Crown a sum of money to be raised by lotteries, and fixing strict rules as to the mode in which the lotteries should be conducted. He confessed that the object of the statute seemed to be rather to keep in the hands of the State the sole power of holding lotteries than to abolish them altogether; but, however that might be, the law existed, and it was the duty of the Government to apply it for the protection of public morality. Some lotteries were conducted solely for the purpose of gain, generally by persons who resorted to the most dishonest means, and swindled weak-minded and ignorant individuals. Against such lotteries the power of the law was always unspar-

ingly applied; but there were also cases in which the attractions of chance were used for religious or educational purposes. The course he had in such cases pursued, in imitation, he was bound to say, of his predecessors at the Home Office, was as follows:—When a case was brought under his notice, he warned the persons who were conducting the lottery that their proceedings were illegal, and as far as he was aware the warning had never been given in vain. The hon. and learned Gentleman had referred to a lottery got up for some religious purpose at Oldham. Now, it was remarkable that information respecting lotteries of this kind was never given either by Englishmen or Irishmen. The Attorney General had assured him that no complaint respecting them had ever been made to the Government by any person residing in Ireland. Indeed, the sole informant against these lotteries in Ireland was the Secretary of the Scottish Reformation Society. On the reception of the information respecting the lottery at Oldham, he at once communicated with the persons conducting it, and informed them that if they proceeded further with it they would subject themselves to prosecution. They promised to relinquish the scheme; but shortly afterwards he received another communication from the Secretary to the Scottish Reformation Society, who said he believed that, in spite of the assurance which had been given, the lottery was actually being proceeded with. Thereupon he made inquiries of the Mayor of Oldham as to whether this was so, and he might remark that he should certainly have caused a prosecution to be instituted against the promoters of the project if, after the warning, they had persisted in it. The Mayor of Oldham informed him, however, that they had abandoned the scheme, and returned the money received from the subscribers. This, he submitted, was a course which could not fail to commend itself to the good sense of the House, as it must be obvious that cases of this kind called for a warning rather than a prosecution by the Attorney General. The hon. and learned Gentleman had said that it was very strange that people would not give their money directly for a charitable object, instead of advancing it indirectly by lotteries or bazaars. Well, it was no

doubt a very curious trait of human nature that persons would give large sums of money at bazaars for articles which were not of the slightest value, the prices they paid depending far more on the rank or personal attractions of the conductors of the bazaar than on the intrinsic value of the articles sold. And it would be further found that when the generosity of the customers was exhausted the proceedings almost invariably terminated with a raffle, in which everybody present took part, without imagining for a moment that the transaction was an illegal one. Surely no one would maintain that the Attorney General ought to prosecute in such cases. There was a rational distinction to be drawn between lotteries got up for more purposes of gain and those which were got up for the purpose of promoting a good object; and the good sense of the House would readily determine that the moral consequences were less injurious in one case than in the other. At the same time, he admitted that a great many of the latter kind of lotteries came within the rule he had laid down, which would subject them to prosecution—namely, those which appealed very strongly to the mere love of gain. In the cases mentioned by the hon. and learned Gentleman, where hopes were held out to the subscribers of obtaining a considerable sum of money, or articles of great value, such as a pair of ponies, piano, and a cottage, the principle, and what might be assumed to be the object of the law were violated, and the action of the Crown might be fairly demanded. All he claimed on the part of the Crown was the right to discriminate between different kinds of lotteries. In cases where the object was clearly bad he instituted a prosecution at once; but where the object was not bad, he acted by giving a warning in the first instance, and prosecuting only in the event of that warning not being heeded. He believed the House would not think it was the duty of the Government to pursue any other course than that which he had indicated.

Mr. NEWDEGATE said, he thought the right hon. Gentleman the Home Secretary was not less bound by the terms of the law than any other person. In determining questions of degree, value must be taken into account, and the right hon. Gentleman had himself pointed out

cases in which ponies, pianos, and cottages were raffled for. In that, as in other cases, the right hon. Gentleman was apt to interpret his obligations very loosely, for there was nothing in the Act of Parliament which warranted the exercise of the discretion he claimed. He (Mr. Newdegate), moreover, did not think that if the Home Secretary considered himself entitled to dispense with the law, he set a good example to the other officers of the Government. Why, he would ask, should the law be restrained in the case of *quasi-monastic* institutions? In his own county large numbers of lottery tickets had been received from Ireland, and he had been repeatedly asked why any lotteries were permitted, except those which were sanctioned by law, such as the Art Union lotteries. The fact that certain exceptions were made by the law militated very strongly against the wise discretion which the right hon. Gentleman assumed the right to exercise.

MR. M'LAREN said, he must call attention to the fact that the law had been more widely interpreted by the right hon. Gentleman to-night, than it was three years ago by the then Attorney General.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 60; Noes 33: Majority 27.

Main Question proposed.

REVENUES, &c., OF GIBRALTAR. OBSERVATION.

SIR DAVID WEDDERBURN, in rising to call attention to the local revenue and expenditure of Gibraltar, and to move—

"That, in the opinion of this House, it is expedient to take measures by amendment of the tariff, or otherwise, to put an end to the contraband traffic now carried on between Gibraltar and Spain,"

said, that his object was to indicate that very important reforms might be effected in that military colony, if certain changes were made in the method of raising the revenue, without either increasing or diminishing its total amount. Little, indeed, could be urged against the amount of civil expenditure in a colony which had no Debt, and which had for years

shown a good surplus, that of 1869 being £8,108, out of a Revenue of £37,833. The salary of the Civil Governor—£5,000 a-year—did, however, appear to be excessive; and it was not easy to see what duties he could have to perform among a civil population of 20,000, aided as he was by a colonial secretary, engineer, auditor, collector of Revenues, inspector of Revenues, supervisor of markets, all drawing fair salaries. On the other hand, the item for Education was £222 16s. 2d. There was one special matter in which a great reform might be carried out by the suppression of the numerous low wineshops, where drink of the worst quality was obtained by the sailors and soldiers. A discretionary power was enjoyed by officers commanding regiments on foreign stations, of permitting the sale of spirituous liquors in the regimental canteens, which were, of course, under strict regulations; but at Gibraltar that power was frustrated by local regulations. The rates for spirit licences were so high that it was almost impossible to afford one for each canteen when a regiment was divided, as at Gibraltar, among three or four barracks, and licences had actually been refused to regimental canteens upon the ground that "if granted a number of wineshops, licensed for the soldiers only, would be closed, and the revenue thereby diminished." Those who knew the nature of these wineshops, the company who frequented them, and the quality of the liquor there furnished, would no doubt consider any increase of revenue derived from their maintenance as very dearly purchased at the expense of the health and morals of their soldiers. More than £5,000 a-year was raised at Gibraltar from licences, but a Government financially so prosperous, had no excuse for maintaining such a system; and even if the money was required, a reasonable duty on tobacco, now free, would answer the two-fold purpose of raising revenue, and checking the contraband traffic now carried on with Spain. The fact was, that the position of Gibraltar, a free port, except as regarded wines and spirits, rose a very grave international question affecting the character of Great Britain as a good neighbour not merely to Spain, but to the many great nations whose neighbour she was by virtue of her island fortresses and

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other outlying possessions. The present time seemed peculiarly appropriate for considering their position as possessors of Gibraltar, the only territory which they held upon the Continent of Europe. Many thought that they were bound to show cause not only to the British taxpayer but also to friendly foreign Powers, why they kept possession of any European territory beyond the limits of the United Kingdom, but upon so wide a question he would not now enter. It might be doubtful how far Gibraltar was necessary to us as a coaling depôt, a naval station, or a connecting link with India; but all those points might fairly be urged in favour of its retention. On the other hand, it would hardly be maintained in that country, that although Gibraltar did not pay for any other purpose, it was well worth keeping as an *entrepôt* for smuggling—an assertion freely made by foreign writers. No imperious demand had been made, nor was likely to be made, for the surrender of Gibraltar, but now and then they heard of rumoured proposals as to purchase, or exchange for Ceuta, the Spanish fortress in Africa. Such proposals could not be for a moment entertained; Ceuta would simply be Gibraltar, without strength or prestige, and if they ever parted with the Rock it must not be by sale or barter, but as a free gift from one great nation to another. The present question was whether, admitting the necessity of their retaining the great fortress, they could not prevent its being more than a sentimental grievance to the proud, high-spirited people, from whom they wrested it, and against whom they had held it for more than a century and a-half. They were told that at Gibraltar the sight of their flag and the report of their guns were painful to Spanish feelings, and that was not surprising, when they recollected that that flag and those guns had long protected a system of contraband traffic, injurious alike to the Spanish revenue and the British reputation. Spain had recently shown herself worthy of the esteem and sympathy of free nations, and in no way could they better prove their friendliness towards her and her Government than by exerting themselves to repress smuggling, as they were bound by treaty to do. In Spain, as in all countries where the Press was free, great stress was laid upon the public opinion

and the conduct of that country. Their journals were constantly quoted in Spanish newspapers, and particular satisfaction was produced by the friendly sentiments towards Spain expressed in the gracious Speech from the Throne. There was reason to believe that the kindly feeling of Spanish Liberals towards England had conduced to their recent silence upon a question which touched every patriotic Spaniard so nearly as did the foreign occupation of Gibraltar. It was true that smuggling was no longer so crying an evil at Gibraltar as it once was; and that was due chiefly to amendment of the Spanish tariff, a process which, carried out conjointly with their own Government, might put an end altogether to the traffic. As a free port, Gibraltar afforded special facilities to smugglers, in spite of lines of sentries and squadrons of *guarda costas*. It was, of course, impossible to obtain accurate statistics of smuggling; but it was a significant fact that within three years 30,000 cwt. of American tobacco was imported into Gibraltar, according to recent Returns, and of that more than 29,000 cwt. again exported within the same period, finding its way undoubtedly into Spain, where tobacco had long been a Government monopoly. The Spanish tariff was vexatious, and there was corruption in the preventive service, so that a large proportion probably passed with official connivance; but many smugglers preferred taking their chance to giving a bribe, and not unfrequently they paid the penalty with their lives. Great recklessness of life and property, and general demoralization had resulted from that traffic throughout a large portion of Andalusia; and the brigands, of whom so much had lately been heard, might be nearly identified with contrabandists. Not long ago a similar state of matters existed on the northern frontier of Spain. An old *douanier*, who was his guide on the Pyrenees, described armed bands of contrabandists as so numerous that it was impossible to resist them, but added—"Since the Emperor altered the tariffs there have been no smugglers to speak of in the Pyrenees." He believed that in the South the same results would follow from a similar policy; but without joint action on their part all efforts of the Spaniards would be fruitless. Smuggling was hardly an offence which could

be made the subject of an extradition treaty; but it was difficult, if not impossible, to draw the line between organized smuggling and piracy, or brigandage. The existence of an asylum within the "Neutral Ground" for various sorts of outlaws was a grievance repeatedly urged against them by the Spanish authorities, as in the recent case of the supposed capture by brigands of the British subjects, where serious suspicions of collusion were entertained. If Her Majesty's Government would co-operate heartily with that of Spain in this matter, a great injustice might be redressed, and much might be done towards establishing a cordial understanding between two nations, who had in common many great interests for the future, as well as glorious traditions in the past. In conclusion, he would say, that although the forms of the House would not allow him to make the Motion of which he had given Notice, he trusted that the Government would give him some assurance that it was their wish to meet the Spanish Government at least half way in the matter.

MR. KNATCHBULL-HUGESSEN said, he could not agree with the hon. Baronet (Sir David Wedderburn), that the salary of the Governor of Gibraltar was too high; because they must not judge from the number of the population, but from the geographical position of the place, the number of troops stationed there, its essential importance to this country, and the necessity of its being under the command of a man of high character. With regard to the cession of Gibraltar, he would not enter into that subject, except to say that he believed the opinion of that House and of the country would be very much against such a step. All, therefore, that could be done was, that while they held Gibraltar they should endeavour to make their occupation as little offensive as possible to any friendly Power. No doubt, the contraband traffic spoken of by the hon. Baronet did exist; but he did not know that they were to blame for that, for the high protective duties of Spain were principally responsible for the encouragement of contraband dealing. Gibraltar was commonly spoken of as a free port; but it was only so in the sense that duties were only levied on wines and spirits. Upon wine the duty was 7½d. per half-dozen bottles,

Sir David Wedderburn

and upon spirits \$1 a gallon. In 1869 about £11,000 was raised from these sources; and he doubted whether either lowering or raising the duties would exercise a beneficial effect in repressing contraband trade, because the smuggling arose rather from the tariff of Spain. With high protective duties there was sure to be smuggling, and in Spain the *ad valorem* duty of from 30 to 35 per cent pressed heavily upon merchants. He was not sorry that the hon. Baronet had called attention to that contraband trade, and, as far as Her Majesty's Government were concerned, they would do all that they could to put it down, and to promote a friendly feeling between that country and Spain. A check on the traffic was at present in operation, vessels of a certain size trading from Gibraltar being required to have a licence, which could be revoked on misconduct. Already the attention of the Admiralty and the Foreign and Colonial Offices had been directed to the subject, and it would not be the fault of the Government if they did not succeed in their efforts.

MR. STEPHEN CAVE said, he was glad to hear from the hon. Gentleman who had just spoken (Mr. Knatchbull-Hugessen), that he was not prepared to give any encouragement to the idea that we were about to give up Gibraltar, which had been bought so dearly by this country, and which was associated with some of the most glorious episodes of our history. He knew something of Gibraltar, and wished to express his dissent from much which had fallen from the hon. Baronet who had brought the subject under the notice of the House. It was perfectly well known that when a contraband trade was profitable to a certain extent it was almost impossible to put a stop to it. We had abundant proof of that at home, notwithstanding the integrity and effectiveness of our preventive force; and what, therefore, must be the case in Spain, where the smuggler had a friend not only at the port from which he sailed, but in that at which he arrived, it was easy to imagine. When it was borne in mind that the Spanish colonies produced some of the finest tobacco in the world, it was somewhat strange to find that a Spaniard could hardly get a good cigar at any price. The fact was, that the profit was so large that a great smuggling trade was almost necessarily

created. He quite agreed in the opinion that the tariff should be reformed; but it was not that of Gibraltar, but that which prevailed in Spain. The laws were fairly carried out in Gibraltar; and if Spain put her laws into execution with equal fairness smuggling would soon disappear. He also concurred with the hon. Gentleman opposite (Mr. Knatchbull-Hugessen) in thinking that the Governor of Gibraltar was not paid too high a salary. The post was a very delicate one, and had generally been filled in a manner well calculated to maintain the character and honour of England.

THE LICENSING BILL.

QUESTION. OBSERVATIONS.

SIR LAWRENCE PALK, in rising to ask the Secretary of State for the Home Department, If the new Licensing Bill will be framed as a complete measure with a view to its being a permanent settlement of the question, or whether it is intended that it should be merely a portion of a more extensive scheme hereafter to be introduced? to call attention to the great loss and deterioration of property that will accrue from any uncertainty on this point; and to move—

“That, in the opinion of this House, it is undesirable to pass any measure that does not afford a permanent and definite settlement of the Regulations and Licences affecting the property invested, directly or indirectly, in the Liquor Trade,” said, that since he first placed Notice of the Question on the Paper, it had almost been answered by the course of events. A Bill on the subject had that Session been brought in, which was of the greatest pretensions, and which had caused a great depreciation in all the property which was either directly or indirectly connected with the licensing trade of the country. It was, therefore, extremely desirable to ascertain from the Government, if possible, whether that part of their scheme which, after ten years, would throw the licences of all the houses in the trade open to competition, was to be persevered with or not. For himself, he could conceive no principle so disastrous as that applied to property, whether its value were £50,000 or merely the value of a common public-house. There were two great principles involved in the question—one being that the ratepayers of a district should under certain circumstances be enabled to pre-

vent the sale of any intoxicating liquors within its limits, and the other that licences should be granted very much as hitherto. Everyone admitted that the present licensing system was very bad, and that it should be reformed; he therefore thought it was much to be deplored that the Government, after having made so many promises on the subject, should have withdrawn the Bill, and merely contented themselves with stating that they meant to propose some temporary regulations for the future. The fact was that if the measures of the Government had been better matured at the commencement of the Session, the waste of the time of the House, which was so much to be deplored, would not have occurred, and it would have been spared the miserable *fiasco* of the Budget, the equally miserable *fiasco* of the Licensing Bill—which was one of the first innocents murdered this Session—and that wretched abortion of a measure, the Local Taxation Bill. As to the question of licences, he, for one, did not see why the ratepayers who felt themselves aggrieved by the existing state of things should not be allowed to exercise the authority which they might legitimately obtain; while, on the other hand, he knew of no good reason why the licensed victuallers should not be permitted to carry their principle, which he thought an equally good one, into effect—that of buying up existing interests from a fund created by themselves, and so diminish the number of publichouses in the country. He thought that a good measure with respect to licensing might have been carried during the present Session, but when a Bill assailing indiscriminately a powerful interest was brought in, no one could be surprised that it failed to receive a favourable reception. That measure was most injurious to the higher class of houses in which liquor was sold, and hardly touched that lower class of houses which all wished to get rid of. Legislation, he believed, might do much to encourage sobriety. It might be done by diminishing the present competition for publichouses; they might place the liquor trade on a sound foundation if both sides would yield a little. A man, in England, sneaked into a publichouse. Abroad, gaiety and conviviality were the characteristics of the places where liquor was sold. And the reason of the

difference was, that in England the keeper of the house was not made responsible for the consequences of supplying his customers with more than was good for them. They were now promised a Bill simply to regulate the liquor traffic; but no one could say what its provisions were to be. He was a landowner himself, and it was his custom in laying out land to be built upon to apportion, as far as possible to the circumstances of the case, the houses which, under certain restrictions, were to be used for the sale of beer and other liquors; but such a Bill as the Government introduced would render all his efforts nugatory, because at the termination of ten years anyone, in spite of the arrangements he had made, might obtain a licence without even having a house at the time to carry on the trade. Nothing could be more objectionable than the course which the Government seemed prepared to adopt—namely, to hang up this matter for another year, and leave it uncertain whether that unjust principle respecting the ten years' licence was or was not to be adopted. He should have been content to have seen some portion, though not the extreme portion, of the Permissive Prohibitory Bill carried into law, but all the right hon. Gentleman the Secretary of State for the Home Department now proposed to do was to establish some regulations in reference to the conduct of business in publichouses. This delay in dealing with the subject of licensing was to be deplored, because large interests were involved, the revenue derived from the liquor trade amounting to £25,000,000. A trade of that magnitude deserved better treatment than it had received, and it was very much to be desired that the intentions of the Government on the subject should be known this year, because the House would be called on to make up any deficit in the Revenue which might be produced by any Bill intended to be introduced by the Government. Surely it would only have been wise and fair at the beginning of the Session either to have brought in a Bill which the Government were resolved to pass, or to have left the question untouched. He believed that the country generally was agreed on the main principles on which legislation should be based, so that the hesitation or failure of the Government were the less to be explained. The

Sir Lawrence Palk

hon. Baronet concluded by asking the Question of which he had given Notice.

Mr. BRUCE said, if the hon. Baronet the Member for East Devon (Sir Lawrence Palk) had established one thing by his speech, it was that he had entirely failed to appreciate the magnitude of the question to be dealt with. He called upon the Government not only to introduce a fresh measure, but to introduce one which should deal with the whole subject at once—or, as he said, which should deal with the licensing system as well as with the regulation of houses. The hon. Baronet must know that the licensing system was one of the most difficult problems to deal with; over and over again successive statesmen had attempted to deal with it, and had shrunk from the difficult task; and if the hon. Baronet had undertaken the task himself he would have found the difficulties such that he might have considered even failure was no disgrace. The hon. Baronet called upon the Government at this period of the Session, with a large portion of the Estimates unvoted, and with measures they were pledged to carry uncarried, to bring forward a measure dealing with the whole question, or to inform the House on what principles any measure they might introduce subsequently would be based. He thought the House would be prepared for the statement that he declined to give the required answer. He was quite willing to learn by experience, and, having discovered the shoals and rocks by which the question was surrounded, he would endeavour to avoid them in the future. To all offers and suggestions coming from the licensed victuallers and from others he was willing to pay the most careful attention; and he was ready to admit that in the suggestions which were made after the introduction of his Bill, and not before, he had discerned elements of usefulness in the settlement of the question. From the hon. Baronet they had heard expressions of sympathy with distillers, brewers, and owners of publichouse property, and honestly and sincerely he lamented the injury which undoubtedly had been inflicted upon them by uncertainty as to possible legislation; but there was another portion of the community on behalf of whom he did not hear a single word of sympathy, for whom he felt much more, and that was those who suffered in morals and happiness, and all that

made life more desirable and respectable, from the present condition of our licensing laws. He had spoken of the present number of licences as if he forgot that, excluding London, there were of public-houses and beerhouses one for every 150 of the population—men, women, and children. [Sir LAWRENCE PALK said, on the contrary, he was in favour of diminishing the number.] The hon. Baronet would find he could not diminish the number without in some way affecting or injuring the interests of those whose rights he so strongly advocated. He called upon the Government to do that which was utterly impossible—to bring in a measure which should be easily carried—without affecting in any way the interests of the proprietors and keepers of publichouses, and that was impossible. He could only repeat that he was willing to learn by experience; but he should be injuring the cause he had at heart if he were to state, which, indeed, he was not prepared to do, what was the policy of the Government with respect to the licensing part of the question. The progress of Business did not inspire him with hope, but if the opportunity offered in the course of the Session he should be prepared to bring in a Bill to deal with matters of police and regulation; but the discussions which had arisen upon the licensing question imposed upon the Government the duty of re-considering the whole matter and seeing what fresh proposition could be made.

SIR HENRY SELWIN-IBBETSON said, the question could not be treated as it ought to be treated at the end of a Session like this; and, if it were touched at all, it could only be by a measure suspending for a time any further increase in the number of publichouses, for if they went further and dealt with police clauses they would only prejudice a more comprehensive measure in the future. He should like to see the Government take a strong line without attempting to meet the views of either of the extreme parties to the controversy—a line which would gradually reduce the number of houses, without at the same time dealing with them so violently as they were dealt with in the Bill of the Government. This might be done by raising the rateable value of the houses, by restricting the discretion of magistrates to grant licences, and by curtailing the hours that they were open. It

was impossible to lay down any fixed rule based upon population; because one house to 1,000 persons might be sufficient in one place, while in another one to 400 or 500 might be insufficient, on account of markets and other causes of influx, which could not be temporarily provided for. The attempt to deal with the subject, other than as a whole, would be injurious to the object all had in view—namely, the diminution of the deplorable amount of drunkenness now prevalent among the working classes.

MR. STAVELEY HILL said, he did not think the right hon. Gentleman the Home Secretary had answered the question put to him. Let him say boldly that the Bill he had withdrawn provoked so much opposition that he was obliged to leave the matter alone for the Session. The question to which it was desirable that the Government should give an answer was this—Did they mean, in any Bill which they intended to bring forward, to confiscate the property in which a large body of persons were directly and indirectly interested, as they had proposed to do in their measure so recently withdrawn? He thought a fairer answer ought to have been given by the right hon. Gentleman to that question, for this reason—that people ought to know whether the large amount of property invested in the trade was safe or not; and in connection with that part of the question he would remind the House, that in addition to the money actually invested in the trade itself, there were large sums of money invested in mortgages upon the houses used for carrying on the trade.

MR. HARVEY LEWIS, while he thought the hon. Baronet opposite (Sir Lawrence Palk) was perfectly justified in putting his Question, conceived that there was no reason to find fault with the Home Secretary for the answer he had given to it. All parties, however, were agreed that some remedy should be applied to the existing state of things, and this being so he had no doubt that some remedy would be found. The licensed victuallers had no interest in the increase of the number of public-houses; and if too many licences had been granted by the magistrates, it would be hard to visit upon the victuallers the fault of those who had to carry out the law. A great many licences must continually fall in by effluxion of time,

and with the increase of population, and the transfer of licences from one district to another, it would be easy to control the number of licences. He hoped that in any future Bill the right hon. Gentleman would recollect what he stated on the 13th of July, 1870, that it would be very unjust to deprive those engaged in this trade of their right to sell without giving them compensation. The ten years' clause in the last Bill was looked upon in the light of confiscation, and he was glad that the right hon. Gentleman had thrown aside his pre-conceived ideas, and would endeavour to do justice to all parties.

MR. ASSHETON CROSS said, he believed that many of the persons who signed the Petitions presented to that House in favour of the Permissive Prohibitory Liquor Bill were actuated by a feeling very similar to that which influenced many of those who signed Petitions for the Ballot—namely, that they were dissatisfied with the present state of things, and wished for some improvement in it, they could hardly tell how or what. He regarded the feeling now existing among the working classes on this subject as a very healthy sign, and as the growth of public opinion rather than the result of any legislation, had put down drunkenness in higher ranks of society, so he hoped they would gradually see the same salutary change effected among the working class. He could not view the measure introduced and abandoned this year by the right hon. Gentleman the Home Secretary as one that offered the basis of a satisfactory settlement of that question; and he trusted that for their own sakes as well as for the sake of the public interest, the Government would be able at the commencement of next Session to lay a well-considered and matured Bill dealing with that important subject on the Table, with a full determination to submit it to the judgment of the House. With the enormous amount of property invested in the trade, it was not fair that the matter should be hung up, and he trusted that the right hon. Gentleman would make up his mind during the Recess as to the nature of the Bill to be introduced, and, *coute qui coute*, take the judgment of the House upon it. It was a ground, too, of just complaint that an opportunity had not during the present Session been afforded

Mr. Harvey Lewis

for a full discussion of the Government proposal, as the opinion of Parliament might have assisted the Government in the framing of their measure. But the interests of the public at large, and the interests of the trade concerned, were equally opposed to any trifling with the subject, and both parties, he believed, would willingly see a fair and liberal measure adopted; such a one, for instance, as, while it contented the publicans, would remove temptation from the working man.

MR. LOCKE said, the right hon. Gentleman the Home Secretary had exercised a wise discretion when he withdrew the Bill, because he could not conceive the pleasure of discussing a measure that was universally condemned. They had discussed the principle of the Permissive Bill, and there could be nothing more plain, clear, and decisive than to say that because drinking beer to a great extent was a bad thing nobody should have any to drink at all. The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had been agitating that principle for twelve years, and, notwithstanding what had been said to the contrary, the state of the country with regard to drink had gone on improving. Everybody said a Bill must be brought in, but nobody did it. The hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson) was the only person who had sketched out a plan which, by any possibility could be carried out, and as he had been so successful with his small beer Bill, he hoped he would attempt something with respect to the large beerhouses. The hon. Baronet had caused a panic amongst the beer-shop keepers, and although he had deprived them of many of their privileges they made no complaint, but great advantage had arisen from the legislation he had adopted. Although the hon. Baronet's course had been, to a certain extent, severe, still, at the same time, it had been extremely mild in comparison with the Permissive Bill and the Home Secretary's Bill, which were two extremes in opposite directions. He hoped the right hon. Gentleman the Home Secretary would mature a plan during the Recess and submit it at the Sitting of Parliament next Session, in order that it might be fully discussed.

SIR WILFRID LAWSON said, he was not dissatisfied with the position of

this great drink question, because where formerly nobody appeared to take any interest in it, everybody now had a remedy of some kind or other, and that showed him that drinking could not be diminishing in the satisfactory manner they would wish the public to believe. He would not discuss the Bill of the hon. Baronet (Sir Henry Selwin-Ibbetson) until he had seen it, but he would take that opportunity to thank the right hon. Gentleman the Home Secretary for the efforts he had made this year to deal with the question. The right hon. Gentleman had been attacked on all sides, but he (Sir Wilfrid Lawson) wished to pay his tribute to the honest and earnest attention he had paid to the subject. He was not surprised the right hon. Gentleman had failed, because of the difficulty of the subject. It would be impossible to bring in a measure which should be satisfactory to everyone. The reason why the right hon. Gentleman's Bill failed was because he did not excite the enthusiasm of the country, which he might have done had he trusted to his fellow-countrymen in this matter.

Mr. J. LOWTHER said, he must point out that it was strange that the right hon. Gentleman the Home Secretary should complain of the unreasonableness of his hon. Friend the Member for East Devon (Sir Lawrence Palk), when for the last three years this subject had been under his consideration. That morning at an advanced hour a Bill—Intoxicating Liquors (New Licences) Bill—was read a second time which had reference to this subject, and he did not know whether the right hon. Gentleman meant to leave the solution of this question in the hands of Gentlemen whose names were at the back of that Bill. He hoped that the experience of the right hon. Gentleman would teach him how difficult it was to deal with vested interests.

Mr. WHEELHOUSE said, he wished it to be clearly understood that when they talked about the drink question they really meant excessive drinking, and it was with that the Government were called upon to deal. The people never would submit to have the power taken from them of saying what they would drink or how they should drink it. Habits of drunkenness were not on the increase, and in the Army the soldiers were becoming increasingly sober as

more amusements were being opened up to them, a fact which pointed out the way they should take in reforming the habits of the people generally.

Mr. R. N. FOWLER said, he thought that the right hon. Gentleman the Home Secretary had great reason to complain of the course taken by the powerful association of which his hon. Friend (Sir Wilfrid Lawson) was the head, for they had given the right hon. Gentleman no encouragement in regard to the measure he brought forward at an early period of the Session. He believed that, however defective it might be in details, that measure was an honest attempt to solve a very difficult problem, and as such was entitled to the cordial support of the party which advocated temperance. The financial as well as the moral aspect of this question must be considered, for large bodies who had invested capital in this trade, in accordance with the legislation of the country, could not be expected to relinquish a lucrative business without receiving compensation. There was a general feeling that the number of beershops and publichouses was in excess of the requirements of the population, but he thought that before these could be removed compensation must be given. He hoped the Government would either support the measure of the hon. Baronet opposite (Sir Robert Anstruther), which was read a second time at an early hour that morning, or would introduce a similar Bill to prevent the acquisition of new rights.

Sir HENRY HOARE said, he thought it might be assumed that the right hon. Gentleman after withdrawing his Bill would not in any future measure neglect to provide for adequate compensation, but he hoped the Government would distrust the proposals of so-called philanthropists. He was sure the Bill mentioned, putting an end to licences in the current year, would receive support from licensed victuallers.

Mr. J. G. TALBOT said, it was desirable that if the Home Secretary proposed to bring in a Bill this Session to regulate the police department of the licensing system, he should give notice of his intention, rather than leave the matter in uncertainty. He trusted that whatever measure the right hon. Gentleman introduced he would take measures to ascertain the real feeling of the

country, and if necessary appoint a Royal Commission, or institute an inquiry of that kind. His hon. Friend (Sir Henry Selwin-Ibbetson), who could not again speak in the debate, had received statistics from various parts of England showing that there had been an absolute increase of convictions for drunkenness; but the police explained this by saying that keepers of houses being now afraid of danger from harbouring drunken people, turned them more readily into the streets, where they were arrested, so that there was no actual increase.

REPRESENTATION OF IRELAND.

OBSERVATIONS.

SIR COLMAN O'LOGHLEN called attention to the vacancies existing in the representation of Ireland, and pointed out that in consequence of the disfranchisement in 1869 of the boroughs of Cashel and Sligo, Ireland had not had during the last three years her full complement of Members in the House, the number having been 103 only instead of 105, the number Ireland was entitled to by the covenant between the two countries. Considering that no Irish measure, except that for the protection of life and property in Westmeath, had occupied attention this Session, he had hoped that the Government, with the majority they had at their back, would have attempted to dispose of the two vacant seats; and he brought forward the matter now with the hope of extracting a pledge from the Government with regard to next Session, because he wished the seats to be disposed of by the present Government. He trusted the seats would be given to boroughs, the representation of which was less adequate than that of the counties. If the Government would only fix upon the places they could easily carry a Bill.

THE MARQUESS OF HARTINGTON said, the Government were desirous as soon as possible, of providing for the allocation of the vacant seats; but he declined to give any pledge on the part of the Government as to the time when and the manner in which the Government would attempt to dispose of them. There had been no general re-distribution of seats in Ireland as there had been in England, and many hon. Members were of opinion that there ought

Mr. J. G. Talbot

to be such a re-distribution; and it was therefore a question whether the allocation of these vacant seats ought not to be postponed until there had been a favourable opportunity of considering the wider question. As to the claims of particular boroughs, it might be that there were other constituencies which would have still greater claims. He could assure the hon. and learned Baronet that the political complexion of any proposed constituency was a matter that had never crossed the minds of the Government at all.

Main Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee *deferred* till Monday next.

CONVENTUAL AND MONASTIC INSTITUTIONS.

MR. NEWDEGATE moved—

"That Mr. Thomas Chambers be discharged from further attendance on the Select Committee on Conventual and Monastic Institutions."

MR. SERJEANT SHERLOCK said, he must object to the Motion on the ground that the hon. and learned Member for Marylebone had attended all the investigations of the Committee, and that all the Committee had to do was to prepare the Report.

MR. NEWDEGATE said, it was at the express desire of the hon. and learned Member for Marylebone that he had made the Motion before the House.

MR. J. G. TALBOT said, it would not be fair to the other Members of the Committee to allow such a course to be pursued, and he must therefore oppose the Motion.

Question put, and *negatived*.

MUNICIPAL CORPORATIONS (BOROUGH FUNDS) BILL.

On Motion of Mr. LEEHAN, Bill to authorise the application of the Borough Fund of Municipal Corporations in England and Wales in certain cases, *ordered* to be brought in by Mr. LEEHAN, Mr. MUNDELLA, Mr. GOLDNEY, and Mr. CANDLISH. Bill *presented*, and read the first time. [Bill 203.]

THAMES EMBANKMENT.

Select Committee *appointed*, "to inquire whether, having regard to the various rights and interests involved, it is expedient that the land reclaimed from the Thames, and lying between Whitehall Gardens and Whitehall Place should, in whole or in part, be appropriated for the advantage of the inhabitants of the Metropolis, and, in such case, in what manner such appropriation should be effected."—(*Mr. Gladstone*.)

And, on July 3, Committee nominated as follows:—Mr. CHANCELLOR of the EXCHEQUER, Lord JOHN MANNERS, Mr. ATTORNEY GENERAL, Mr. WILLIAM HENRY SMITH, Sir WILLIAM TITE, Mr. BRERFORD HOPE, Mr. VERNON HARCOURT, Mr. ANDERSON, Mr. JOHN LOCKE, Mr. LAIRD, and Sir FREDERICK HETGATE:—Power to send for persons, papers, and records; Five to be the quorum.

NEW MINT BUILDING SITE BILL.

Select Committee on the New Mint Building Site Bill nominated:—Mr. BAXTER, Mr. SCLATER-BOOTH, Mr. MUNZ, and Mr. CROSS, and Three Members to be added by the Committee of Selection:—Power to send for persons, papers, and records; Three to be the quorum.

Ordered, That all Petitions presented during the present Session against the Bill be referred to the Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions.—(Mr. Ayrton.)

PUBLIC SCHOOLS ACT (1868) AMENDMENT BILL.

On Motion of Mr. Secretary BRUCE, Bill to amend "The Public Schools Act, 1868," ordered to be brought in by Mr. Secretary BRUCE and Mr. WILLIAM EDWARD FORSTER.

Bill presented, and read the first time. [Bill 204.]

House adjourned at One o'clock,
till Monday next.

HOUSE OF LORDS,

Monday, 19th June, 1871.

MINUTES.]—PUBLIC BILLS—*Second Reading*—House of Lords Appellate Jurisdiction (147). Committee—Dogs* (184-191); Gasworks Clauses Act (1847) Amendment (No. 2)* (184-192). Committee—*Report*—Burial Law Amendment* (126); Public Health (Scotland) Act (1867) Amendment* (148); Lunacy Regulation Amendment* (171); Landlord and Tenant (Ireland) Act, 1870, Amendment* (185-193). Report—Charters (Colleges)* (93); Pier and Harbour Orders Confirmation (No. 1)* (127). Third Reading—Metropolitan Commons Supplemental* (103); Local Government Supplemental (No. 2)* (149); India (Local Legislatures)* (150), and passed.

DECLARATION OF PARIS, 1856—SEIZURE OF AN ENEMY'S GOODS ON THE HIGH SEAS.—PETITIONS.

THE EARL OF DENBIGH rose to ask whether the Declaration of 1856 had been ratified by Her Majesty in Council, and to present Petitions of Inhabitants of

Birmingham, Armley, South Shields, Chorley, Cononley, Bolton, and Maidstone against the validity of the Declaration of Paris concerning the Seizure of an Enemy's goods on the High Seas. The noble Earl said, it was extraordinary how few persons were acquainted with what that Declaration really was, and he would therefore briefly give its history. When the Plenipotentiaries who had been engaged in negotiating the peace with Russia had concluded their labours, Count Walewski suddenly proposed that before separating they should sign a Declaration with respect to maritime law to the following effect:—First, that privateering should be abolished; secondly, that a neutral flag should cover an enemy's goods with the exception of contraband of war; thirdly, that neutral goods, with the exception of contraband of war, should not be liable to capture under an enemy's flag; and fourthly, that a blockade in order to be binding must be effective. Some of the Plenipotentiaries stated that they must refer the matter to their respective Governments; but eventually they all signed the Declaration, and other nations were invited to accede to it. Spain, the United States, and Mexico had, however, abstained from doing so. Now, we had beheld with wonder, not unmixed with awe, the rapid growth of Prussia into a powerful and gigantic Empire, which by its energy and military talent had succeeded within five years in crushing two of the greatest military Powers of Europe and our natural allies, Austria and France, and how on both occasions she had been nursed by Russia, which had guarded her boundaries while she was engaged in those wars. This naturally aroused the attention of England, and compelled her to examine her own forces, and she found to her alarm that she could not properly equip and place in the field more than 500,000 troops, the Regular Army not exceeding 200,000, and the Militia and Volunteers, which raised the complement to 500,000, being more or less undisciplined. We were now endeavouring to make up for this, and to match ourselves with Germany and Russia—a nation of 30,000,000 against two nations of 40,000,000 and 80,000,000—and a system of voluntary enlistment against a system of conscription. In this we seemed to have very little chance of success—it was, indeed, like the frog

in the fable which tried to swell itself to the size of the ox. We were trusting to the chapter of accidents and to our former good fortune; but it should be remembered that we did not possess the same power of offence and defence as formerly. We had been proceeding on the assumption that because we desired to be at peace and to make no enemies every one would be willing to let us alone. But it would be well to consider whether we had any friends, and whether any Power was likely to help us in our hour of need. He feared that our policy of neutrality on many occasions had produced great coldness; and what security had we that the unscrupulous statesmen who ruled with a rod of iron the German Empire would not, when we least expected it and were least prepared, offer studied insult to this country which would oblige us to engage in war? He could not help feeling the humiliating confession made, as he understood, by the noble Earl opposite (Earl Granville) during the recent discussion on the revision of the Treaty of 1856, for he admitted in almost so many words that we were obliged to conform to the wishes of Russia in the matter of the neutralization of the Black Sea, because we were not in a position to resist those wishes by force. There would be very little difficulty on the part of Germany in forcing us to go to war if she were so disposed, and she would not want for motives. Germany wished to become a great naval Power, and would like Holland and Belgium, the independence of which latter we had guaranteed; while Russia wished for Constantinople, the key of the East and the West, and after the defeat of Austria and France we were now the sole protectors of Turkey. Our Navy was formerly our chief means of defence; but we had now lost all power of injuring an enemy by sea, while our Army was utterly inadequate for offence or defence. As steam rendered an enemy almost ubiquitous, we should, unless prepared by fortifications round the island, well manned, be taken at a great disadvantage; and though we should send out our iron-clads and swift cruisers, the enemy's fleet would remain in port, preserved by torpedoes, while his commerce would be transferred to neutral bottoms, where, under the Treaty of Paris, they would be safe. This was the case in the Crimean War; for England and

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France having foolishly admitted that a neutral flag should cover the enemy's goods, the commerce of Russia passed through Prussia, Russia thus receiving about £17,000,000 of our money, and being thus enabled to prolong the war. The enemy, on the other hand, would fit out cruisers to prey on our commerce, the right of insurance would rise, British merchants would prefer neutral bottoms, our merchant ships would rot in their harbours, and our sailors would be attracted by high wages and safety to neutral ships. Our Navy, too, would seek in vain for the enemy, and there being no prize-money in prospect sailors would not man our fleet. The enemy would be able, therefore, to undertake some such scheme as that described in the "Battle of Dorking." In a recent discussion in the House of Commons on the subject, the Declaration was defended on the ground that we should make the best of a bad job, and the Attorney General attempted to prove that England was previously bound by similar engagements; but this he (the Earl of Denbigh) denied. He maintained with the Petitioners that the Declaration, not being an agreement or treaty, was not binding—

"1. Because a treaty can be made only by authority of the Sovereign, and the British Plenipotentiaries who signed the Declaration of Paris had no authority for that purpose from the Queen of England. 2. Because no document is a treaty till it has been ratified by the Sovereign, and the Declaration of Paris has never been ratified by the Queen. 3. Because the Declaration of Paris affects to change the law of England, and no treaty changing the laws of England is valid without the consent of Parliament, and the Declaration of Paris has never been assented to by Parliament. 4. Because the Declaration of Paris affects to change not the conventional, but the permanent and immutable law of nations, to change which is beyond the competence of Parliament or of any other human authority. 5. Because a treaty must profess itself a treaty, which the Declaration of Paris does not, but describes itself as a 'declaration adopted' in order 'to introduce into international relations fixed principles' on maritime law, and 'to establish a uniform doctrine on so important a point;' while, in fact, no uniform doctrine has been established, the United States, Mexico, and Spain not having adopted the Declaration of Paris. 6. Because a treaty must contain reciprocal and equivalent obligations—that the only equivalent, so far as Prussia and Russia are concerned, for the surrender of our power, which is purely maritime, would be a surrender of their power, which is purely military. 7. Because, though it has been alleged that the abolition of privateering was an equivalent for the surrender of our right to seize enemies' goods in neutral vessels, privateering

has not been abolished, being avowedly retained by Spain, Mexico, and the United States."

By adhering to the Declaration we should be inflicting on ourselves a mortal injury; and it was remarked at the time by the late Lord Derby and by a noble Earl opposite that in case of necessity we should have to abandon it. This, however, it was better to do before a war broke out, as war might thereby be prevented by showing the uselessness of any Power going to war with us. In 1780 the "Armed Neutrality" was entered into on the principle that free goods made free bottoms; but, although then at war with our American colonies and with France and Spain, we refused to admit the principle, continued to seize the enemy's goods and broke up the league. In 1801 the same tactics were attempted by Russia, which induced Sweden and Denmark to co-operate with her; but what course did this country take? The King, in his Speech to Parliament, said—

"A convention has been concluded by the Court of Russia with those of Copenhagen and Stockholm, the object of which is to renew their former engagement for establishing by force a new Code of Maritime Law inconsistent with the rights and hostile to the interests of this country. In this situation I could not hesitate as to the conduct which it became me to pursue. I have taken the earliest measures to repel the aggressions of this hostile Confederacy, and to support those principles which are essential to the maintenance of our naval strength, and which are grounded on the system of public law so long established and recognized in Europe."

Lord Eldon, in the debate on the Address, said—

"The right of searching neutral vessels originated in the rights of nature, and no convention or treaty can permanently destroy that right."—*[Hansard, Parl. History, xxxv. 886.]*

The Convention was broken by the Battle of Copenhagen, and Lord Nelson, in a despatch dated April 4, 1801, narrated a conversation with the Crown Prince of Denmark, to whom he had said—

"Suppose that England were to consent, which she never will, to this freedom and nonsense of navigation, I will tell your Royal Highness what the result would be—ruination to Denmark, and the Baltic would soon change its name to the Russian Sea."

Sir William Scott, moreover, declared a military war and a commercial peace to be a state of things not yet seen in the world; and Sir John Nicholls, King's Advocate, in an argument before Lord Kenyon, said—"There is no such thing as a war for arms and a peace for com-

merce." We had more steamers than the rest of the world put together, and he recently, in an extract from the report of Mr. Joseph Nimmo, jun., chief of the division of tonnage on English commerce at Washington, met with the following remarkable words:—

"England now enjoys almost a monopoly of the steam Navy of the world, and her power on the ocean is as great as when she overthrew the maritime power of Holland, and made herself commercial mistress of the seas. The most striking point is that in the trade of the United States with Europe there are now 133 foreign steamers engaged, of which 101 are British, and not one wearing the American flag."

These steamers it would be our interest, in case of war, to fit out as privateers, while it was, of course, the interest of the other Powers to discountenance privateering and to represent it as legalized piracy. If, however, it was right to employ *francs-tireurs* on land, why should not privateers be employed at sea? If we could not touch an enemy's goods on board a neutral ship, any war in which we might be involved would be much more protracted. There was a maxim "the command of the sea gives the command of the land," and we could not afford to throw away our chances, for recent events in France offered us a warning. The fratricidal conflicts which had just happened were the fruit of socialistic doctrines, and the International Society was said to have its head-quarters in this country, where, according to a statement in the leading journal, it had 95,000 adherents. Last year, moreover, the Prime Minister received a deputation from Messrs. Odger and Co., who represented the Communists; and on the Treasury bench in the House of Commons sat one who seven years ago was the intimate friend and trusted correspondent of the arch-conspirator of Europe, Joseph Mazzini. We trusted too much to our insular position; but he feared we were sowing the wind, and that unless we withheld our hand in time we should reap the whirlwind. Since England had first embarked in and sanctioned unjustifiable aggressions she had apparently lost her sense of justice and had been struck with judicial blindness. Like a Samson shorn of his strength and blinded at the hands of the Philistines, she made weak concessions, and could only utter protests, which were generally disregarded. England could rehabilitate herself, and by a stroke of

the pen could recover her maritime supremacy; but until by her conduct she earned the blessing of the Almighty she could not utter the Scotch motto—"Nemo me impune læssit." The noble Earl then quoted the following passage from Vattel as to the nullity of treaties pernicious to the State:—

"Though a simple injury or some disadvantage in a treaty be not sufficient to invalidate it, the case is not the same with those inconveniences that would lead to the ruin of the nation. Since in the formation of every treaty the contracting parties must be vested with sufficient powers for the purpose, a treaty pernicious to the State is null and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the State, for whose safety the Government is intrusted to him. The nation itself being necessarily obliged to perform everything for its preservation and safety, cannot enter into engagements contrary to its indispensable obligations."

He would conclude by putting his Question, Whether the Declaration of Paris had ever been ratified by the Queen in Council?

EARL COWPER replied, on behalf of the Government, that the Declaration had never been ratified by Her Majesty in Council, but that they did not on that account consider themselves at liberty to repudiate it. The question of the treatment of neutrals had often been debated in Parliament, particularly 15 years ago, when this Declaration was signed, and it had been received generally with favour by their Lordships; and therefore he conceived it was not necessary for him to argue the matter further than to express his conviction that the Declaration had a tendency to mitigate the evils necessarily arising from war. It had been shown that during the 150 years prior to the French Revolution, 34 agreements were entered into between this country and other Powers, in all but three of which it was provided that free ships should make free goods.

THE EARL OF MALMESBURY said, he did not regard the Declaration as a document of as sacred a character as a ratified treaty. Sir George Lewis admitted, during the discussions of 1856, that if we were at war with any of the parties to it, it would cease to be binding as regarded that belligerent; while the late Lord Derby went so far as to declare that England had cut off her right hand, and called it the Capitulation of Paris. At

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the same time, Lord Derby held that all the Powers which had subscribed to the Declaration, and had not since disavowed it, were morally bound by it; but that we had a right to disavow it if our Government thought fit to do so. With regard to privateering, it was impossible to believe that if we were at war with some maritime Power, and met with a disaster at sea, we should adhere to the Declaration, instead of making use of those private means which we possessed above all other countries. Queen Elizabeth repelled the Armada almost entirely by private ships, which we now called privateers; and to speak of the Declaration as irrevocable was to lock up all the weapons of self-preservation which some contingency might render necessary. He did not recommend the Government to disavow the Treaty; but he wished to repeat the opinion he expressed at the time that it would have been better had it never been made, and principally because he believed that in time of war it would be impossible to maintain it. His lamented Friend Lord Clarendon, in his able defence of the Treaty, principally relied on the contrast between what took place at sea and what actually occurred on land. Lord Clarendon said the great object of modern civilization was to mitigate the horrors of war and extend and define the rights of neutrals; but that this had not been with respect to war by sea as it had been with respect to war by land, where the property of neutrals, and even of peaceful subjects of the enemy, was respected. Now, the late war had proved that his lamented Friend was too sanguine in his views as to the progress of civilization, for in the recent war—14 years after the Declaration—the Germans did not respect private property on land—they made monstrous requisitions on private property, and in many cases there were cruel instances of pillage of private property. Lord Clarendon was under the delusion that these things would not happen, and that belligerents at sea could be placed on the same civilized footing as those on land; but these were all vain dreams. War would always be war, and bring with it all its horrors. It was all very well in fine weather and in time of peace to fancy that we could carry on war, as had been said, with rose water; but depend upon it, when the terrible pressure

came, the sword would cut into shreds paper which had been signed during any peace. The vanity of the expectations that were entertained in 1856 was further evidenced by subsequent events—especially that admirable proposition that no war should begin without a previous attempt to mediate. This had proved an entire dead letter in the Danish War, the Italian War—when he himself pressed it on the belligerents—the Prusso-Austrian War, and the War of 1870—though in the last case the noble Earl opposite (Earl Granville) did his best to take advantage of that Protocol. Such Protocols or Declarations, in his opinion, did more harm than good, for they were only meant as lovers' promises, made to be broken. If we were at war with any great nation, the force of circumstances alone would oblige us to abandon the Declaration of Paris and resume the position we formerly held.

EARL GRANVILLE said, the noble Earl who had just sat down had referred to two considerable authorities in support of the Potitions—Sir George Lewis and the Earl of Clarendon. But he (Earl Granville) thought that Sir George Lewis's opinion—that if we were at war with one of the parties to the Declaration it would no longer be binding as between that belligerent and ourselves—confirmed rather than weakened the sanctity attributed to it by his noble Friend (Earl Cowper), for this was exactly what happened with the most formal treaties ratified in the most solemn manner. The late Lord Derby, moreover, deemed that the Powers which had signed the Declaration, and had not disavowed it—as none of them had done—were bound in honour to observe it. But then the noble Earl (the Earl of Malmesbury) proceeded to make a statement which he could not but think—considering that the noble Earl was an ex-Secretary of State—was not a very judicious one. The noble Earl commenced by saying that he discountenanced what had been suggested by the noble Earl who introduced the subject, and what had been alluded to in "another place"—namely, that the Declaration ought never to have been entered into; that it would prove impracticable to maintain it in time of war; and that those nations who had signed it ought to withdraw from it.

THE EARL OF MALMESBURY said, the noble Earl had misunderstood him. He said he did not wish that this country should repudiate it now.

EARL GRANVILLE: But his noble Friend went on to enunciate what he considered the extraordinary doctrine that whenever we found it inconvenient to ourselves we should dispense with those honourable engagements into which we had entered. He entirely agreed that it would not be advisable, on our part, to repudiate it at the present moment; and at the Black Sea Conference he did not see what possible argument he could have brought forward for doing it. It was necessarily connected with three other propositions, and since 1856 no objection had been taken in the House of Commons to the doctrines there laid down. It might, no doubt, do harm to an enemy to seize his goods in a neutral bottom; but in the long run we did ourselves infinitely more harm and him good, by enlisting the feeling of the neutral in favour of the enemy. In the late war France made little use of her Navy—which, indeed, he believed, was not in a very efficient state—but she had the command of the sea, and but for this Declaration she would have been entitled to search our enormous Mercantile Marine in order to discover the enemy's goods. Now, he believed that would have made our neutrality perfectly impossible. It would have created an irritation in this country, and, rightly or wrongly, we should have resented it to the greatest degree. With our enormous military marine, moreover, we had the power of instituting an effective blockade, to which the right of blockade was specially confined. Without, however, arguing questions already settled, he would simply protest against the doctrine that we were at liberty, though we ourselves had been protesting against similar conduct, to say that whenever an international declaration by which we were bound in honour was inconvenient we could immediately withdraw from it.

LORD COLCHESTER said, he could not but think that the noble Earl (the Earl of Denbigh) had done good service to the country in bringing this question again into notice. He was as unwilling as anyone to propose the repudiation of treaties; but we had of late years seen that the most solemn international ar-

rangements were not very long-lived, and that treaties regulating the most important concerns of Europe were in a few years set aside and disappeared. He was somewhat surprised when the noble Earl opposite (Earl Cowper) referred to the long series of treaties by which the right under discussion had been waived in former times. In all these treaties, with scarcely an exception, if we abandoned the principle of seizing enemies' goods in neutral ships, we claimed in return that of seizing neutral goods in enemies' ships—a very different thing from the unconditional surrender of our right at the Treaty of Paris. Usually any concession to which two Powers agreed as to the limitation of their rights in time of war, put each, at least as belligerents, on the same footing as his enemy. But here our obligation was to the neutral, not the belligerent. If he rightly understood the case, under the present law, if we were at war with America, who had not been a party to the Declaration, America could seize our goods in French or Russian bottoms, while we, bound by this Treaty, could not seize American property in the vessels of any nation which was a party to the Treaty. As to the argument drawn from irritation created in the mind of neutrals, much irritation was often created by the exercise of the right of blockade; but few persons considered, though it had been put forward in theory, that the right of blockade ought to be modified or abolished. But it was not only in the interest of England that that Treaty was open to exception. Mr. John Stuart Mill—certainly not a man wedded to ancient laws or opinions—stated a few years ago his opinion that it was most objectionable in the general interest of the freedom of the world. He saw that it was a measure weakening the force of naval Powers—a force seldom formidable to national independence—and thereby strengthening military Powers, whose force was often extremely formidable to the rights of others. We resisted the power of Napoleon I., because when he was all-powerful by land we were so at sea; when he was master of Europe we drove all French commerce from the ocean. But now, in a struggle with a military despot we should, fettered by that Declaration, possess no such advantage as in former times. He feared that under present circumstances Eng-

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land could not shake off the encumbrance of that obligation; but he trusted that if international treaties were once more to be modified—if other Powers desired to be relieved from any “of the treaty obligations binding on them,” we might endeavour to obtain a modification of an agreement, injurious, he thought, to the power of England, and injurious also to the highest interests of the world.

Petitions read, and *ordered* to lie on the Table.

HOUSE OF LORDS APPELLATE JURISDICTION BILL—(No. 147.)

(*The Lord Westbury.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD WESTBURY, in moving that the Bill be now read the second time, said, that the object was to put certain restrictions upon the right of appeal to their Lordships' House. The grounds on which he asked their Lordships to accede to the Motion were, first, to preserve the dignity of the House as a Court of Appeal, and, secondly, to repress unnecessary and vexatious litigation, and for the first purpose it proposed to take away the right in cases where the money sought to be recovered was of inconsiderable value, and for the second cases where the judgment of a Court of First Instance has been affirmed by the immediate Court of Appeal. Their Lordships would perhaps be surprised to hear that during the last four years the number of appeals from the Scotch Courts exceeded those from the Courts of England and Ireland together. Now Scotland was comparatively a poor country, with a population of only about one-tenth that of England and Ireland—showing that they must be eminently a litigious people, although they had the reputation of being a canny one. The number of appeals from the Scotch Courts during the period he referred to had been 119, whilst those from England and Ireland together were only 118. Of these 119 appeals would be found litigation of the most trifling, frivolous, and vexatious description—their Lordships were frequently called upon to decide appeals which related to matters of not greater importance than those which were daily decided by our County Courts. The

annoyance of having to hear such cases had called forth repeated expressions of dissatisfaction from their Lordships—a feeling which was experienced by himself in an intensified degree, for it was monstrous to reflect that while there were about 400 cases of great magnitude for hearing before the Judicial Committee of the Privy Council, the time of the Law Lords—the most important Judges of that Court—should be occupied by some trumpery litigation. He would give their Lordships one or two illustrations. In one case the matter in dispute was originally of the value of 5*s.*, but it was carried through the whole range of the Scotch Courts, and finally came before their Lordships, the last appeal, involving a cost of between £700 and £800. In another case the owner of a sheep sought compensation from the owner of a dog for injury caused to his sheep by the latter. The owner of the dog contended that the dog was sufficiently harmless and inoffensive, and that the sheep must have been at fault. The case was submitted in turn to the Sheriff's Substitute, to the Sheriff's Deputy, and Lord Ordinary, and ultimately came to their Lordships' House, where the litigants must have expended at least £800 over a sheep whose carcass could have been purchased for 40*s.* The next case in the Reports to which he referred was of a similar character. Its original value was only £80, yet it had been carried through every Court, and finally brought up to waste their Lordships' time. It really was a lamentable thing that such enormous expenses should be incurred in reference to such a matter. Such things as these would excite their indignation but for the fact that they occurred day by day. In a case where the cause of action was almost equally trifling, his noble and learned Friend on the Woolsack had thus expressed himself—

"My Lords, that your Lordships' time should have been occupied, to the great detriment of other suitors, with such a case as the present is, perhaps, one of the least grievances of a litigation which has been going on now for about seven years and a-half. I can, therefore, my Lords, only say that this lady is greatly to be pitied for the course into which she has been dragged, evidently without any consciousness on her part of the extreme folly of these proceedings. We can do nothing else than reverse the decision which has been come to by the Inner Division of the Court of Session."

In another case the property contested was not worth more than 5*s.* intrinsically. The matter was argued at great length, and was productive of infinite expense and misery before a determination of the suit was arrived at. He appealed to his noble and learned Friends in the House whether these cases were not a fair specimen of a great portion of the litigation which came before them? Surely, then, it was right that their Lordships should come to the rescue of their own tribunal, and emancipate it from being concerned in the determination of such trifling matters. Their Lordships' time was of infinite value in determining the most important appeals from the most distant portions of the Empire, and far too valuable to be wasted on trifling appeals from Scotland. At all events, some relation ought to be preserved between the value of the property in dispute and the expenses of the appeal. Appeals in the Court of Equity were limited to any time within two years; but upon Writs of Error they allowed appeals for an indefinite term—for he knew of no limitation except that imposed by the Statute of William III. In cases where two years were allowed, to say whether there should be an appeal, two years more would probably elapse before it was decided, so that all that length of time would be allowed for the incurring of expense and for the growth of the worst feelings which were excited by litigation. The fees of their Lordships' House, he was happy to say, were very moderate; but the expenses incurred in litigation outside the House were necessarily very considerable. There must be first a petition, then the case must be prepared for their Lordships' House, and large fees to counsel were usually given. The case must be printed, and a certain number of copies furnished—a proceeding which in itself seldom cost less than £100. Then there was the preparation of the appeal, the fees to counsel, and the charges for the attendance of solicitors. He thought that if they had a tribunal, an appeal to which involved charges such as these, such an appeal should be reserved for cases of the greatest importance; and this would have the indirect effect of preventing a losing party to a suit revenging himself upon his adversary by carrying his case to the last Court of Appeal. Upon these grounds he thought

that their Lordships would agree with him that some limit should be placed upon appeals, the effect of doing which would be to relieve their Lordships from a considerable part of their present duties, and would enable them to spare from time to time one of the Law Lords to assist the Judicial Committee of the Privy Council in the decision of important points of law. He therefore proposed that it shall not be lawful to appeal to the House of Lords from the judgment of any Court of Law or Equity in England, Scotland, and Ireland, in cases where the property claimed or the title to be decided does not exceed the sum of £1,000. There were exemptions to this enactment, the propriety of which would be obvious—namely, when the judgment is in a suit brought to try a title to any real estate, or incorporeal hereditament, of greater principal value than £1,000; when the Judge certifies that some important question of law is involved; cases of divorce and judicial separation, and cases of legitimacy. He proposed further that where a judgment of the Court of Common Law has been affirmed by the Court of Exchequer Chamber, or of the Courts of Equity, by the Court of Appeal in Chancery, or of the Courts of the First Instance in Ireland or Scotland by the proper Courts of Appeal, there shall be no further appeal to the House of Lords, except in cases where the Court which had determined the appeal from the Court below should give leave for a further appeal. He thought that these restrictions would prevent a great number of idle and useless appeals from coming before them; and they would also impose some restriction upon rich men who might desire to carry their causes to a variety of tribunals, the expense of which might be a mere nothing to them, but ruin to their opponents. It had been said by someone that law was a luxury—and a luxury it undoubtedly was if one had to pay for it the large sums he had mentioned—but as a luxury it should be restrained by sumptuary laws, by laws judiciously founded on considerations of the public good and general expedience. He should observe that the whole language of the Bill applied only to civil cases. It would be desirable to define what was meant in the Bill by the word “affirm,” because whilst a decision might be affirmed in substance, there might be some altera-

Lord Westbury

tion of the language or some added condition. He would insert some words to prevent ambiguity arising upon this head. If their Lordships should think that this was a matter of too much importance to be committed to the discretion of a private Member, he should be content if their Lordships would give the Bill a second reading, with a view to a careful consideration of the whole subject, so that whatever legislation might be found expedient might be proceeded with next Session.

Moved. “That the Bill be now read 2^d.”
—(*The Lord Westbury.*)

THE LORD CHANCELLOR said, his noble and learned Friend needed no apology for bringing this subject forward, as the evil sought to be remedied by the Bill had undoubtedly become extremely great. He was afraid, moreover, that it was not the only evil connected with their Lordships’ jurisdiction—other important remedies ought to be applied to grievances with reference to the hearing of appeals, and, therefore, he was glad that his noble and learned Friend had brought forward this Bill rather as a subject of discussion than with a view of passing it during the present Session. It was certainly desirable that professional and general opinion should be brought to bear on the subject. For his own part he thought there could be no reasonable objection to that portion of the measure which related to the limit of amount—indeed, his noble and learned Friend had scarcely stated the case with so much fullness as he might have done, being, no doubt, desirous not to protract the discussion. On three consecutive occasions—unless he was much mistaken—the House was occupied with three appeals from Scotland of the most trifling character—one being that to which his noble and learned Friend had referred, and was founded on the singular grievance that a man had, as alleged by the appellant, one sale on his premises and no more; another being a dispute about a few perches of land of no particular value in an agricultural district; and a third, which, though it related to a legacy of £600, was so protracted in consequence of the mass of evidence adduced as to the state of the testator’s mind, and which filled two enormously thick volumes, that the cost must have amounted at least to

£1,400 or £1,500. It would, in his judgment, contribute to the welfare of all suitors if a reasonable limit of amount were imposed in regard to carrying cases to the Court of ultimate Appeal. In a country like this, where legal tribunals were so numerous, a Court of ultimate Appeal was necessary in order that the law might be made fixed and certain; but owing to a variety of causes, into which he need not now enter, the present machine was far too cumbrous and expensive to discharge the ordinary duties of determining from time to time the conflicts that arose between private parties where no great questions of right were in dispute, or points of law which it was necessary to settle for the benefit of the general community. He might remark, in passing, that in County Court and Bankruptcy cases, as well as those under the Winding-up Acts, there was a limit on appeals in regard both to amount and time. This was justifiable on principle; and it would be desirable to apply similar regulations to appeals to the House of Lords. In regard to the second part of the Bill, however, he did not entertain so favourable an opinion. If an intermediate appeal were allowed at all, he doubted whether it would be expedient to say that when a Court of Appeal had affirmed the decision of the Court of First Instance there should be no further appeal except with the leave of the Court which last determined the case. He thought this would give rise to inconvenience where the Courts below had differed in their judgments, or where the Judges of the intermediate Court had differed among themselves. There were no less than three tribunals at common law which might take different views of a subject, and in Chancery there might be appeals from one Judge to another single Judge; and satisfaction would not be obtained unless there was the right to a still further appeal. There were instances of the decision of the Court below, although confirmed by the intermediate Court of Appeal, being over-ruled by the House of Lords, and the Judges had afterwards, moreover, acquiesced in the soundness of their Lordships' decision. Then it was worthy of consideration whether the time for appealing ought not to be abridged, and also whether a suitor in the House of Lords ought to be allowed to conduct his own

case. Much time was usually wasted by suitors who pleaded their own cases, and great injury was done to themselves. Such persons took a prejudiced and sanguine view of their own cases, and were often induced to come to their Lordships' House, although they would probably refrain from doing so if they obtained the advice of an intelligent solicitor. One gentleman, the author of several able novels, successfully pleaded his own cause; but with this solitary exception he could not remember a single case of a suitor who pleaded for himself gaining the victory. Their Lordships sitting as a Court of ultimate Appeal, had a right to be assisted by counsel, and to have the cases brought before them argued in the best possible manner. In the last place—and it was a matter of the very highest importance—an appeal to the highest Court should be as much as possible confined to matters of law, just as an appeal to a superior Court of Common Law was when the facts of the case had been decided by a jury. Even on the Motion for a new trial, the facts were dealt with only as they bore upon the question whether there ought to be a new trial or not. Means could be devised by which the facts could be separated from the law and decided by the Court below, and the highest Court left to adjudicate on the law alone. While he was glad that the noble and learned Lord did not mean to press the Bill this Session, he certainly approved cordially the principle of the first part of it.

LORD CHELMSFORD said, he was glad there was nothing in the appeal business of the House of Lords which rendered the passing of this Bill an urgent matter, for the House had now entered upon the causes which had been set down this year, and it was possible that the list might be disposed of before the House rose for the Recess. He admitted that it was important to prevent, if possible, frivolous and vexatious appeals, not only for the sake of maintaining the dignity of the House, but also to save litigants themselves from ruinous expenses. He entertained a doubt, however, whether the best way of preventing these appeals was to fix a pecuniary limit, below which it should not be competent to appeal. At all events, if such a principle were adopted, great care must be taken not to fix the sum too high; because, while £1,000 or

£500 might be an insignificant sum to one person, the principle involved might be important to another, and the Courts might have decided against him upon a question of law upon which probably there might be a divergence of opinion in the profession. In such a case it might be wrong to deny the opportunity of an appeal by fixing an unchangeable pecuniary limit. It was also important to take care that cases of great importance were not prevented reaching the House; and by way of illustration he would instance an insurance case, in which an action was brought upon a policy against an underwriter, who was only one of several responsible for the total amount insured, the aggregate of which might be several thousand pounds. Before 1747 a person appealing to this House was bound to find proper security; but in that year the requirement was abolished by Order, and a person was able to appeal upon entering into his own recognizances. It seemed to be the object of that rule not to check appeals, but to facilitate them by increasing the opportunities for entering them.

LORD WESTBURY said, that security might be taken for costs.

LORD CHELMSFORD said, only the security of the appellant himself, which might be of no value; but he only mentioned the matter as one for further consideration. As to preventing an appeal to this House in a case in which the judgment of an inferior Court had been already affirmed by a Court of Appeal, the Court of Exchequer Chamber was a Court of Appeal from the superior Courts, and it often happened there that judgments were affirmed by slender majorities—sometimes by a majority of one; and was it to be supposed that in such a case an appeal to this House was to be impossible? The other day there was an appeal to that Court from the Court of Queen's Bench; it was an action by a shipowner against the consignee of certain goods; there were three claims—for demurrage, freight, and detention. The Court of Queen's Bench decided in favour of the first claim, and against the second and the third. The Judges of the Exchequer Chamber were divided upon each of the three claims. In such a case as a divergence of the judgments between two such Courts, an appeal to this House ought not to be denied. The

Lord Chelmsford

Scotch Courts seemed to have been the *corpus vile* for which the experiment was to be made; and in the Scotch Courts there were frequently similar differences of opinion. Perhaps it would be right to say that where the judgment of the Court below was unanimously approved by the judgment of the Court of Appeal, there should be no further appeal to this House.

LORD COLONSAY said, that while the protection of life and property and the redress of wrongs was the great end and purpose not only of Courts of Law, but of civil government, it was right to limit the range and cost of litigation, regard being had to the nature or value of the matter in dispute. The reasons that had been assigned for such limitation were sound, and the sum to be fixed upon was a matter of detail. The Scotch were familiar with the principle, which was applied to limit appeals from their County Courts, and the limitation had given such general satisfaction that it had been proposed to extend it, and a Commission had endorsed the recommendation. But part of the proposal in this Bill was so doubtful and hazardous that more time ought to be afforded for consideration; at present there were great doubts as to its expediency. That the number of appeals from Scotland was so large had been remarked upon as singular, considering the thrifty and patient character of the people of that country; but he thought this was explained by another trait in their character—namely, that while they were not more given to commence litigation than the people of England, yet when they engaged in a conflict of any kind whatever, they would not yield so long as they thought there was the slightest chance of success.

Motion agreed to; Bill read 2^a accordingly.

VACCINATION.

MOTION FOR A SELECT COMMITTEE.

LORD BUCKHURST, in moving for the appointment of a Select Committee to inquire into the present state of the law as regards Vaccination, said, that the Return which had recently been presented to Parliament showed a very unsatisfactory state of things, inasmuch as the number of children vaccinated was

not nearly so large as the number of births. Certain persons, he was aware, objected to vaccination, but they were so few that the Return could hardly be influenced by them, for he believed that the good sense of the public generally would overcome their opposition. He attributed the discrepancy between the number of children born to those vaccinated to the absence of a proper number of public vaccinators; to the fact that in large parishes there were not sufficient vaccinating stations; and to private medical practitioners not being compelled to send to the registrar a return of the children whom they vaccinated. Amendment was required in those matters, and he was of opinion that many children were un-vaccinated not so much from prejudice on the part of parents, as owing to the want of opportunity.

Moved, "That a Select Committee be appointed to inquire into the present state of the law as regards Vaccination, with reference to the causes which operate in preventing the carrying out an efficient system of Vaccination."—(*The Lord Buckhurst.*)

EARL DE GREY AND RIPON said, he did not wonder at the noble Lord having turned his attention to this subject, considering that the Metropolis was now suffering so much from that great scourge, small-pox; but he ventured to suggest to him that it would not be desirable to undertake at the present period of the Session the inquiry by a Select Committee which he had proposed. Questions connected with that subject had been inquired into by a Select Committee of the other House, whose Report, he believed, had been published, although the evidence it had taken had not yet been made public. Upon that Report a Bill had been founded and introduced into the other House by the Vice President of the Privy Council, and that Bill, he trusted, would, in due course, come up to their Lordships. The Bill dealt, at all events, with one of the questions on which the noble Lord had touched—namely, that of securing throughout the country the appointment of inspectors of vaccination, who should ascertain the manner in which the law was carried out. At present, Boards of Guardians had the option of appointing or not appointing such officers, and in very many cases the due appointment of them had been neglected. The Bill to which he had referred would

meet that state of things by making obligatory that which was now voluntary. No doubt it was desirable and necessary that an adequate number of public vaccinators should exist throughout the country, and that every facility should be afforded for vaccination by establishing a sufficient number of vaccinating stations; subject, however, to this consideration, that it was not always possible to secure a proper supply of really good vaccinating matter for a very large number of stations. For efficient vaccination they must have good vaccinating matter, obtained from healthy children; and they could not insure the quality of the vaccinating matter employed if they had too many stations. Consequently the number of the stations had to be governed by a double consideration—namely, the amount of population and the possibility of securing a supply of good matter. The object of the Privy Council was to see vaccination carried out in the most efficient manner, and it was their earnest desire that the utmost facility, consistently with insuring a supply of good matter, should be given to the public for having their children vaccinated. He would suggest to the noble Lord that he should postpone his Motion until the Bill on that subject came up from the other House, when their Lordships could fully discuss the question; and then, if the measure did not appear to the noble Lord satisfactory to meet the case, it would be open to him to propose any Amendments in it which he thought necessary. That would be a better course for securing early legislation on that subject than the proposal of a second Inquiry by a second Committee at that period of the Session; and as he and the noble Lord had exactly the same objects in view he trusted that the Motion would not be pressed.

LORD BUCKHURST said, that after the explanation just given, he had no hesitation in withdrawing his Motion.

Motion (by Leave of the House) withdrawn.

House adjourned at Eight o'clock,
'till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 19th June, 1871.

MINUTES.—SELECT COMMITTEE—Diplomatic and Consular Services, Mr. Strutt *adied*.

Twenty-seventh Report—Public Petitions.

SUPPLY—considered in Committee—Resolutions [June 16] reported.

PUBLIC BILLS—First Reading—Pharmacy • [206].

Second Reading—Public Health (Scotland) Supplemental • [189]; Glasgow Boundary • [193]; Sasines Register (Scotland) • [199]; Brixton Prison • [177]; Chain Cables and Anchors • [201].

Second Reading—Referred to Select Committee—Dean Forest and Hundred of St. Briavels • [190].

Committee—Report—Army Regulation [39]; Local Government Supplemental (No. 4) • [187]; Sewage Utilisation Supplemental • [186]; Education (Scotland) • [17-295]; King-holm District Boundary • [185]; Canada • [192]; Ecclesiastical Dilapidations (*re-comm.*) • [202].

Considered as amended—House of Commons (Witnesses) • [156]; Metropolitan Board of Works (Loans) • [140].

Third Reading—Life Assurance Companies Act (1870) Amendment • [183], and passed.

Withdrawn—Merchant Shipping • [15].

SUNDAY TRADING—THE ACT
92 CHARLES II., c. 7.—QUESTIONS.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether, considering the use that is being made of the Act 29 Charles 2, c. 7, and the difficulty in the present state of Public Business of getting an opportunity for a fair discussion of the subject, the Government will bring in a Bill to suspend for one year the operation of the said Act?

MR. BAINES asked the Secretary of State for the Home Department, Whether the suspension of the Act 29 Charles 2, c. 7, without any other Law being substituted for it, will not take away the legal protection which labour now enjoys for a weekly day of rest, as well as the legal recognition of the Lord's Day for the purposes of religious worship?

MR. DIMSDALE asked the Secretary of State for the Home Department, Whether he will undertake, early in the next Session of Parliament, to introduce a Bill for the regulation and modification of Sunday trading?

MR. BRUCE: I think, Sir, that the interpretation put on the statute by my hon. Friend the Member for Leeds is the

correct one—that the only legal recognition of the right of abstinence from work on Sundays rests upon the Act of Charles II. Considering the very divided opinion of the country on this question, I certainly am not prepared to introduce a Bill to suspend the operation of this Act, as I believe that such a proceeding would be objectionable in itself, and would not receive the support of the House. With respect to the other Question, I have repeatedly supported in this House anything that appeared to me to have for its object a reasonable modification of the existing law. Last year a Bill came down which I think had passed without a division from the House of Lords, and I gave it my support in this House. It had been objected to previous Bills on this subject that inasmuch as the mischief complained of existed only in London the Bill should apply only to the Metropolis, and the last Bill was altered accordingly. It was then objected that a Bill of such importance ought not to have reference to the Metropolis only, but ought to deal with the whole of the country, and the measure was rejected by this House. I quite admit the imperfections of the present Act—that there are portions of it that are not enforceable, and I regret exceedingly the manner in which certain over-zealous persons are enforcing it. A complete remedy is a matter of extreme difficulty, and I am bound to say that I am not at this moment prepared to suggest any remedy that I think would meet with the acceptance of the House. All I can say is that this question does deserve the attention of Government and of Parliament; but I cannot undertake to give a positive assurance that I will introduce a Bill on the subject next Session.

CHINA—COOLIE EMIGRATION—CASE OF
THE COOLIE KWOK-A-SING.

QUESTION.

SIR JAMES LAWRENCE asked the Under Secretary of State for the Colonies, If his attention has been called to a statement in the "China Mail," that evidence had been given before the Chief Justice of Hong Kong, of Chinese having been kidnapped and shipped at Macao to be sent to Peru as slaves, and that a kidnapped coolie named Kwok-a-Sing had with others risen against and killed

the captain of a French vessel who was about to enslave him; and, having escaped to Hong Kong, his rendition had been demanded by the Viceroy of Canton, which the Chief Justice after hearing the evidence refused, and ordered the release of the man from custody, saying that he had committed no offence against the Laws of England; and, whether, notwithstanding this decision, Kwok-a-Sing had been again arrested upon a warrant issued by the Governor of Hong Kong?

MR. KNATCHBULL-HUGESSEN: Sir, the hon. Gentleman has called attention to a subject of considerable importance. It involves a legal question which I am not competent to solve; but I will state to the House the bare facts of the case. In January last a Chinese coolie was arrested at Hong Kong, charged with piracy and murder committed on board a French vessel, *La Nouvelle Penelope*. This vessel had been employed in what is called the Coolie Immigration Service, and had on board several hundred coolies, shipped at the Chinese port of Macao, of whom it was alleged about 100 had been kidnapped. It was not pretended that the prisoner was kidnapped—for, in fact, he pleaded an *alibi*—but was recognized as one of the ringleaders of the party which overpowered the crew of the vessel and murdered the captain and eight seamen. The Chief Justice of Hong Kong directed this man to be discharged upon a writ of Habeas Corpus, the main ground of his decision being that persons about to be made slaves had a right to recover their liberty if they could, and that in so doing he had committed no offence over which the Courts of Hong Kong had jurisdiction. The Governor, however, upon an information for piracy laid by the Attorney General under an Ordinance in force in the colony, ordered his re-arrest and committal for trial, and the Chief Justice again ordered his discharge. Under these circumstances, the Governor telegraphed home, the opinion of the Law Officers of the Crown has been taken, and that opinion is to the effect that the crime charged against the prisoner is a crime against the Common Law of Nations, and that he was rightfully arrested, and should be brought to trial for the same.

CHINA—COOLIE EMIGRATION.

QUESTION.

SIR JAMES LAWRENCE asked the Under Secretary of State for Foreign Affairs, Whether any steps have been taken by Her Majesty's Government to ascertain the correctness of the statement that large numbers of Chinese have been shipped against their will from the port of Macao, and treated as slaves, on board vessels bearing the French and Portuguese flags; and if any communications have been made to the French and Portuguese Governments upon this revival in the Pacific of the Slave Trade; and, if he will lay before the House any Correspondence that may have taken place upon the subject?

VISCOUNT ENFIELD: Reports have Sir, at different times reached Her Majesty's Government of irregular practices at Macao in regard to the collection and shipment of coolies, and they have brought the same under the notice of the Portuguese Government, who have taken steps through the Governor of Macao for their correction, by framing a code of regulations for the engagement and shipment of coolies, which, it is to be hoped, may prevent the repetition of such abuses. With respect to the French Government, no recent communications have passed on the subject of coolie emigration. With regard to the Correspondence referred to by the hon. Baronet, such portions of it shall be presented as will not involve any breach of official or international etiquette.

ARMY—NON-PURCHASE CORPS.

QUESTION.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether the sums annually voted to secure retirement and promotion in the Non-purchase Corps, and the amount of promotion thus obtained, do or do not afford a sufficient basis upon which to form an approximate estimate as to the cost which the Country will have to bear, after the abolition of purchase, in order to secure such a flow of promotion as is indispensable to efficiency; and, if not, whether the reason is that the sums voted for the Non-purchase Corps have been found wholly inadequate to secure an amount of promotion at all equal to that which was obtained in Purchase Regiments?

MR. CARDWELL: Sir, this is a question inviting an expression of opinion, not a statement of some fact of which the questioner is ignorant. The general opinion, I believe, and certainly my own, is that it will not be safe to argue from the scientific corps to the probable current of promotion in Line regiments.

ARMY—ROYAL MILITARY ACADEMY,
WOOLWICH.—QUESTION.

MAJOR CARTWRIGHT asked the Secretary of State for War, If he will state the reason why Candidates for admission to the Royal Military Academy at Woolwich, numbering about 150, are for the first time to be sent down to undergo their medical examination at Woolwich on Monday July 3rd, instead of as heretofore being medically examined at Burlington House, where their general examination will be conducted on the nine subsequent days; and, whether it would not be more convenient for the Medical Officers to attend at Burlington House for this purpose, than that the 150 Candidates should be sent down to Woolwich?

MR. CARDWELL: Sir, the arrangement was made by the Field Marshal Commanding-in-Chief on the suggestion of Sir Lintorn Simmons, concurred in by the Director General of the Army Medical Department, and the Director General of Military Education.

SCOTLAND—QUEEN'S PLATES.
QUESTION.

SIR GRAHAM MONTGOMERY asked the First Lord of the Treasury, Whether he will lay upon the Table of the House a Supplementary Estimate of the sum necessary to provide for the Queen's Plates that were annually until last year voted for Scotland, seeing that this House has on a Division, by a considerable majority, voted the sum of £1,562 for Queen's Plates in Ireland?

MR. GLADSTONE: Sir, the Government have not formed any intention of laying a Supplementary Estimate on the Table for Queen's Plates for Scotland, in consequence of the Vote recently taken for Queen's Plates for Ireland. The Vote for Queen's Plates for Scotland was proposed regularly by the Government to the House, but was withdrawn upon the suggestion of a number of Scotch Mem-

bers in the presence of a number of other Scotch Members, the whole of them apparently desiring that it should be done. Nor was there any condition made that the same course should be taken with respect to Ireland. Under these circumstances, it would be premature to say that the Government have come to any such conclusion as the hon. Baronet suggests. The matter, I think, is one in which the House would be inclined to show a deference to the prevailing feeling of Scotch Members if there be a prevailing feeling on the subject.

MR. ROBERTSON begged to give Notice that he would on an early day move a Resolution that the Queen's Plates taken away from Scotland should be restored and continued as long as Queen's Plates were given for England and Ireland.

CONVENTUAL AND MONASTIC INSTITUTIONS.—QUESTION.

MR. NEWDEGATE wished to ask the hon. and learned Member for Marylebone, with reference to the proposal which he made the other day to discharge his hon. and learned Friend from further attendance on the Committee on Conventual and Monastic Institutions, Whether he had ever consented to serve on the Committee this Session; and, secondly, whether he (Mr. Newdegate) had not the full consent of his hon. and learned Friend for moving for the removal of his name from the List of the Committee?

MR. T. CHAMBERS replied, in the first place, that he had not consented to serve on the re-appointed Committee, and he had told his right hon. Friend the Chairman of the Committee so; and, secondly, his hon. Friend (Mr. Newdegate) had had his full authority to move that his name be taken off the List. In point of fact, it was impossible for him to attend.

IRELAND—ROBBERY OF MILITIA ARMS
AT MALLOW.—QUESTION.

COLONEL STUART KNOX said, a paragraph had appeared in the leading journal that morning, stating that the Militia barracks at Mallow had been attacked by Fenians, and a large quantity of arms taken away. He wished to ask the Chief Secretary for Ireland, Whether

any information has reached the Government on the subject?

THE MARQUESS OF HARTINGTON: I have received, Sir, from the Lord Lieutenant copies of the telegraphic despatches forwarded to him on the matter to which the hon. and gallant Gentleman has referred. It appears that the Militia storehouse at Mallow was broken into, and 100 stand of arms taken, out of which more than 60 were recovered. It is stated that the persons who entered the storehouse were pursued, and some shots fired. I believe that one prisoner was taken. The telegram I have received states that the Militia are in no way implicated in the matter.

ARMY REGULATION BILL—[BILL 39.]

(*Mr. Secretary Cardwell, Sir Henry Knight Storks, Captain Vivian, The Judge Advocate.*)

COMMITTEE. [*Progress 15th June.*]

Bill considered in Committee.

(In the Committee.)

MR. W. M. TORRENS rose to move the addition of the clause regarding enlistment, which stood upon the Notice Paper in his name. He wished the House to declare by statute—

"That no person hereafter enlisted as a soldier in any regiment of cavalry or infantry of the Line shall be called upon to serve Her Majesty out of the United Kingdom until he shall have attained the age of twenty years."

He should have preferred moving the insertion of these words as an addition to the 6th clause of the Bill, which, from the outset, had engaged the attention of every thoughtful man, because it was the only one of the 36 clauses proposed by the Government which had relation to the great body of the Army. Questions concerning the rights and wrongs of the officers had engaged the attention of the House in the first instance. Naturally so; for the officers had been truly said to be the heart and spirit of the Army. But when these had had full consideration, it was only reasonable that some thought should be taken deliberately and seriously for the condition, capacity, and character of the rank and file. The 6th clause, however, having been withdrawn, nothing remained for him but to raise the question in the manner he now proposed. He would, in the spirit of candid and earnest remonstrance, ask Ministers to

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consider the position in which they stood. The speech of the right hon. Gentleman the Secretary for War developing the plans of the Government with respect to Army reform was not addressed to the House upon a Motion for leave to bring in a Bill, but when moving the Army Estimates, which exceeded those of last year by £2,800,000. The Ministerial project of military reorganization, as then expounded, was the consideration offered for this vast increase of national burdens. The Government had drawn upon their confidence, and the House had accepted the Bill. No division took place on the second reading. Modifications of detail were left open for discussion, as well as periods of payment, and the ways and means whence the funds should be drawn. All these questions had been debated, and nearly every point had been ruled in favour of the Government. The whole patronage of the Army was about to be transferred to them from the neutral trusteeship in a Commander-in-Chief established by Mr. Pitt, at the instance and with the sanction of Mr. Fox, and which had subsisted for well nigh 80 years. The property qualification for commissions was to be abolished without stipulation or condition of any kind, and the Government claimed that the whole power of selection should be henceforth placed at their disposal. The direction and control of the Militia, which in one shape or other had for centuries belonged to local authority—wisely, as Bacon, Pym, Somers, Walpole, Fox, and Russell thought—was henceforth to be concentrated in the hands of the Executive. The Government had not only made sure of the money immediately required, but they proposed to commit Parliament to an expenditure in future years of many millions. A material part of the consideration held forth to us for all this transfer of power and concession of supplies was the promise that we should have not only a better Army than we had now, but an Army so complete and so reliable that, not merely danger, but any misgiving as to danger from invasion should once and for ever be extinguished. The character of the Army was to be uplifted, the constitution of the Army was to be consolidated, and the complement of Regular troops was to be completed for a force of about 200,000 men. When Ministers offered

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to provide this great array, the House supposed they spoke of men. The House agreed to the price, but took for granted that the goods would be of standard weight, and the article up to sample. Would it be wise, decorous, or just, to seem to withhold any part of the consideration by tendering which the Government had obtained such unprecedented grants of power, patronage, and pay? Having made the transfer, it was their duty, as guardians of the property and lives of the people, to stipulate for something on their behalf; and, in his opinion, it would be a great and valuable consideration if they could say that the greatest blot on our military system, in a national point of view, was wiped out for ever, and that the lives of the youth of the nation should in future be safe from a system which had been branded with every term of obloquy and reprobation. He would consider the matter in a military point of view, a medical point of view, and in a social point of view. Some guarantee for a better system of enlistment; some security that the condition of the private soldier should be improved, was surely no unfitting stipulation for the House of Commons to make on behalf of the people. The question of recruiting, so far from being a subordinate or incidental portion of the general question, was, he contended, that which went to the very quick of Army reform. But Ministers having withdrawn their only enlistment clause, there remained no other course for Parliament to adopt than that which he respectfully submitted to the Committee — namely, the addition of a new clause, forbidding in future the sending of youths at an immature age to serve as soldiers abroad. The evils of our enlistment system confessedly were not new. In a letter of the Duke of Wellington, in 1811, to an honoured kinsman of his (Sir Henry Torrens), who then held the post of Military Secretary to the Commander-in-Chief, there were these words—"The Government have never taken a comprehensive view of the subject of recruiting." Those words, 60 years old, might have been repeated with truth every day since then. When they were obliged suddenly to send an Army to the Crimea the adequacy of our system of enlistment was put to the proof, and its failure did not depend upon the *ipse dixit* of a civilian like himself, for they had the

Mr. W. M. Torrens

opinions of the highest military authorities on the subject. Lord Hardinge, before the Sebastopol Committee in 1855, accounted for his inability as Commander-in-Chief to give more support to Lord Raglan in the Crimea, in terms not to be forgotten. He said—

"Our peace establishment had been allowed to run so low that, after making the first effort, and sending out 25,000 men, we could do nothing more than forward young recruits. We made them pretty perfect in drill in a couple of months; but instead of sending out bone and muscle, they were, he might say, only gristle. When we came, in November and December, in the face of the winter, to send out these raw recruits, it was impossible to expect them to resist hard work and the inclemency of the weather so well as other and more seasoned men."

Lord Raglan, when informed by the Duke of Newcastle that he had 2,000 recruits ready to send to him, replied that—

"Those last sent were so young and unformed that they fell victims to disease, and were swept away like flies."

Sir De Lacy Evans, at the same time, wrote that the draughts sent to him were composed of men quite too young to bear the strain of the winter encampment and of the work of the trenches. Most of the distinguished men who held command in the Crimean struggle had passed away; but one remained whose jealousy for the honour of the country he had served so well, whose sympathy for the rank and file he had so often led in danger, and whose clear and calm discernment in all that related to military discipline had not been dimmed by years. Two days after the Notice of this Motion was given, Sir John Burgoyne wrote to him, saying—

"Your principle of preventing the employment of youths under 20 years of age on foreign service is both important and just."

He proceeded to point out the difficulty, which arose from the fact that inexperienced youths were more easily induced to enlist than men above 20 years, who knew the world, and who knew their own minds. But, far from shrinking from the difficulty, Sir John Burgoyne went on to show how it might be met successfully by letting enlistment be placed under a regulation that the recruit should not be called to serve abroad until he was 21—

"Each regiment should always have a battalion at home in which would be these youths in a state of progress with others older in the ser-

vice. Such battalions would form valuable reserves from which to draught for the foreign."

Another friend of his, Sir Anthony Stransham, who had filled the post of Inspector General of Marines, had likewise favoured him with his judgment in this matter—

"I am clearly of opinion that the best article is always the cheapest. The boy soldier is not the useful article; 20 is the earliest age when the *physique* of the man is fully developed. Therefore, to obtain the most efficient article at the most economical cost, take the recruit at a more mature age, and so avoid the inevitable breakdown of the present race of recruits. It will be found better and cheaper to bid high for a sounder article. The prohibition of foreign service by boy-soldiers is of the first importance, and fixing the age at 20 is only a fair proposal."

He (Mr. Torrens) entirely concurred in the soundness of this opinion. He believed that parsimony in the choice of either men or munitions of war was a miserable and delusive economy. He believed that we lost shamefully a great deal of what we tried to save shabbily; and that even as a question of annual expenditure, it was bad financial policy to enlist weak boys instead of strong men. What would be thought of a Minister who came to Parliament with estimates framed for other items on the unworthy principle of trying to find the worst species of article, and defending its purchase because it was the lowest in price? Who would venture to justify the buying of sabres that would snap, and bayonets that would bend, merely because they were cheap? And the rule ought to be essentially the same against imperfect weapons and imperfect men. He had another letter from a distinguished general officer, Sir Charles Daubeney, with whom he had not the honour of being acquainted; and which, though addressed to a mutual friend, he had permission to read—

"I have had 30 consecutive years of regimental experience in all climates, hot, temperate, and cold, in quarters and in the field, and I am undoubtedly of opinion that no soldier is properly efficient until he is 20 years of age, and that he should not be taken away from his *dépôt* or training establishment until he has attained that age, and until he is fit to take his place in the ranks as a fighting soldier—that is to say, able to march 15 or 20 miles a-day, carrying, at the same time, the full equipment which every soldier must carry during a campaign, and fight a battle afterwards if necessary, and do this for weeks consecutively, in all weathers, roads or no roads, and frequently on short rations, without knocking up. Boys of 18 or 19 cannot do it. It is gross cruelty to require them to attempt it, and it is a fraud on the

public to call them soldiers and lead the nation to believe that they have an efficient Army, when so large a portion of it is composed of youths hardly able to carry themselves for a 10 hours' march, much less able to go forth equipped as a soldier must be. . . . Such boys soon break down under the trial—they choke the hospitals, ruin their half-formed constitutions, and endanger the safety of an Army in the field not only by becoming non-effective at the precise moment when their services are most urgently wanted, but by hampering the resources of a general at a time when all his energies ought to be concentrated on some particular movement of the enemy. . . . It costs more to feed, carry and take care of one sick soldier than it does to maintain three healthy ones in the best possible fighting condition."

The late President of the College of Surgeons, Mr. Guthrie, who early in life had had great experience in the Peninsula, and who, as a writer on surgery, was of European fame, felt himself bound, in season and out of season, to press upon every Minister for War the hideous and hateful evils of premature enlistment. He failed to move the Department; and its neglect of his warnings and admonitions hurt him deeply. But he took a noble revenge. He never ceased to urge upon his pupils the duty of exposing the mischief and misery of that system, and of diffusing a knowledge of its danger and its shame. And there was now scarcely a man of character in the profession who would stand up and defend it. Professor Parkes, a member of the Medical Council of Education, who had had great experience in camp and hospital in India and the Crimea, in the latest edition of his well-known work on practical hygiene, thus speaks of the danger and loss of immature enlistment—"The age of 17 or 18 is too low. The youngest recruit should be 20 or 21." Dr. Parkes illustrated his views by appealing to the acknowledged fact that the process of ossification had not even begun to be completed at the age of 18. And that especially as regarded the ribs, spine, and limbs, the epiphyses were not united to the shaft of the bones till a much later period. These views were fully borne out by many other eminent medical authorities. Dr. Lyons, who reported to Government on the diseases of the Army in the Crimean camp, writes—

"The immature youths of 18 to 20 succumbed at once to the hardships of campaigning, or perished after operations performed for wounds. When examined after death the ends of the long

bones of the legs and arms still showed the cartilaginous state incompletely knit."

Sir George Ballinghall, for many years Regius Professor of Surgery in Edinburgh, in a work of high authority laid down broadly the principle for which he was contending; and he might also cite the testimony of Dr. Beatson, of Netley, Dr. Muir, Inspector General of Hospitals at Calcutta, and Dr. Mouat, who had had great experience as a medical man in the barracks and the prisons of India to the same effect. In truth, he had sought in vain for any one dissentient of scientific or practical repute from the doctrine so many distinguished authorities had laid down. The Report of the Royal Commission in 1863, appointed to inquire into the health of the Army in India, of which Lord Derby was chairman, Sir Ranald Martin, Dr. Farr, Dr. Sutherland, and other eminent persons were members, recommended distinctly that no more recruits be sent to India, until they had completed their drill and had reached the age of 21. Eight years had come and gone since that advice was tendered to the Government, but it had not been taken. If we are asked to leave the matter to the War Department, we point to the fact and say, you have had the discretion and you have not used it; you have known the truth and you have not given heed to it. Official eyes you have had, but they seemed to see not; official ears you have had, but they seemed to hear not. What avails exposure or expostulation? Routine left to itself revolved on its own axis, and, obeying the law of its nature, moved round and round in the orbit of blunder. Three years later you had another Commission—that of Recruiting—presided over by another ex-Secretary of State. In their Report, which bore the signatures of Lord Dalhousie, the hon. Member for Bedford (Mr. Whitbread), and many other persons of weight and character, the objections to early enlistment as stated by Sir James Gibson were embodied, and the means by which the ignorant and undiscerning were inveigled into entering a service for which they were physically unfit, was branded with reproach. The Report of 1866 stated that in 1844 the average of the rank and file under age was 25 per cent, and that in 1864 it was 22½ per cent; but, instead of

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continuing to mend our ways, we seem to have retrograded, and of late to be rapidly getting from bad to worse. A Return upon the Table showed that in the 54th Regiment the proportion was actually about 50 per cent, and if he was not inaccurately informed, he feared it would be found that other regiments now under orders for India, as regarded their component elements, were in no better plight. Was it not high time, then, for Parliament to interpose? Among the military maxims of Napoleon, the following was to be found:—"The first quality of a soldier is the ability to support fatigue and privation; physical courage is only the second." It might be said that this was the philosophy of Napoleon, but not his practice. Well, it was, indeed, true that in the period when too much triumph had made him dream that he had surmounted the ordinary liabilities of fortune, he did impress into his ranks youths who, when confronted with unlooked for resistance, proved wholly wanting; but the great things in his wonderful career were not accomplished by such means. It was with the Army which he had spent two whole years in organizing and training at Boulogne that he suddenly invaded South Germany and won Austerlitz. And when, after Moscow and Leipsic, he stood at bay against Confederate Europe in arms, an Empire, crown, and life all hung in the balance; and when a subservient Senate voted him for the campaign of 1814 280,000 men, M. Thiers describes in remarkable language his reluctance to call into the field the large proportion of these who were under age. He preferred to rely upon the military classes of 1811, 1812, and 1813, which had already furnished him such numerous contingents, at the risk of provoking an unpopularity he could ill afford, sooner than summon to the battle-field youths who were under age. Again, in 1815, on his return from Waterloo, he was urged to arm the youth of Paris. There was a graphic description by another French historian of his pacing alone the garden walks of the Elysée, and hearing the shouts of the populace, bidding him not despair, and offering to enlist in defence of the capital. But he refused, as we know, every suggestion of the kind. We had seen too recently what had come of the opposite course. Had anyone read the wise and courageous speech in the

French Assembly of General Trochu without being convinced of the insensate folly of resorting to immature and undisciplined crowds in order to confront a drilled and adult Army. In Prussia it was a standing rule of her organization not to admit recruits under 20 years of age. The same rule obtained in Austria and Switzerland; and in Russia, where manhood was of tardier growth, the limit of admission was fixed at 21. Thus we had a concurrence of opinion and of practice which it would be idle to affect to disregard protecting the years of adolescence, and pointing out the duty which lay on us, as the supreme guardians of our people, not to permit them to be tempted or drawn into undertaking work to which they were unequal, and injuring rather than strengthening the defensive force of the country. Let them glance for a moment at the experience of the United States, and see what was done and what was thought of these things there. He had the work of Dr. Hammond, Surgeon General to the Army, which consisted of a number of Papers prepared by him for the Sanitary Commission of the Union. He says—"The recruit should be a full grown man, and not a boy. The most eligible age being from 20 to 25 years." In America, the Army was small in time of peace, but it was highly paid compared with ours. He had the opportunity recently of learning, from one who had served three years in the ranks, what the soldiers' condition and remuneration were. By law the age is not limited to 20 years; but in practice the great majority have arrived at the age of manhood before they are accepted as recruits. No difficulty is experienced in filling up vacancies in the ranks when they occurred; and why? Because the men were entitled to receive their pay without stoppages for the price of their food. Before the war the pay was at the rate of 12s. a-week. It was now nominally higher; but perhaps it might be taken as not really worth more, on account of the difference in the currency. The keep of the soldier cost the Government more, because the cost of living generally was higher than with us. But whatever it cost, the soldier had the pay earned without deductions upon that account, and hence it was that the service was not unpopular, and that even in a country where wages are so high and the openings for adventure

much more numerous than here, adults were never wanting to enter the ranks. The Secretary for War had said that organization was the business of the Executive, and that it was not necessary, therefore, for Parliament to deliberate on many of the most important subjects which he had to decide. But the House of Commons would not easily be schooled into forgetting its oldest traditions. How its will was to be carried into effect was the proper function of the Executive; but what it would have carried into effect Parliament alone must judge. Let it not be said that the Horse Guards alone could decide on matters of discipline, and the War Office alone on matters of cost. Whenever such pretensions were raised they ought to be smitten down. The House of Commons were the guardians of the properties and lives of a nation, and that sacred trust they cannot delegate and will not devolve on Ministers, however worthy or able. He was of the Parliament of 1865, and voted with his gallant Friend the Member for Chatham (Mr. Otway) against the protests of the War Office and the Horse Guards, that corporal punishment should cease. They were told that discipline could not be maintained and that they must take the responsibility of mutiny and desertion. They were not scared by those threats, but voted the inhibition. Three days afterwards the Secretary for War and other right hon. Gentlemen who sat near him came down to the House and reversed their vote. But what happened? Why that the following Session his hon. Friend and himself came again, and by that time the impossibility had thawed into a possibility; and a General Election being at hand, they found a number of hon. Gentlemen convertible whom they could never convert before. Why was this? Because public opinion was with them, and public opinion was with them now. Public opinion would not allow them to go on, to use General Daubeney's words, "year after year shipping multitudes of children to the tropics to their inevitable destruction," for no better reason than that it had been the practice, it was still the practice, and that it would be less trouble to let the practice continue. The practical question then was, what could be done? He had not the presumption to offer a suggestion of his own; but he was deeply impressed by the concurrence

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of opinion on the part of men who possessed great experience in favour of one or other of two methods, each of which had its advantages, and each of which, he was confidently assured, would secure, if cordially and energetically tried, the great end they all had in view. Sir John Burgoyne thought that each regiment should have a home battalion, consisting of young men who had their elementary duties of drill and discipline to learn, with whom should be associated a certain proportion of veterans, and from which, when they had reached the age of 21, they might be draughted with safety into the battalion liable for service abroad. There were obvious benefits connected with this distribution and arrangement which it was hardly necessary to point out. The youth of 19, instead of waiting or idling until he had reached the appointed time of eligibility for soldiership, would be, as now, admissible to wear his country's uniform; to learn what could not be learnt without continuous attention by any man, in any region of the world; and to look forward at no distant day to be called, not out of his regiment, but to join his elder companions, who should have a few months preceded him on active service abroad. He would, in short, be in a state of progress, bodily and mental; and a current of sympathy and ambition would be set up in the regiment from the day the recruit entered the training battalion to the day he entered the active battalion; and therein he would have tangibly before him the hope of recompense and return before he was outworn to take his place in the Reserve. There was another plan, which was recommended by the high authority of Lord Sandhurst. He would allow youths to be enlisted in the Militia, which, in some respects, would be identical with the home battalion, from which the corresponding regiment would draw its recruits when they reached the age of 20 years, and into which, after the six years' term with the colours, men would return to be enrolled as an efficient portion of the Reserve. There were differences of detail between the two schemes into which he would not enter; and it was very possible that the right hon. Gentleman the Secretary for War might say that he could suggest a third which was neither one or the other, but which, in his opinion, would be something better

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than either. Then by all means let them have it. So that it accomplished the saving them the national reproach and peril of the present annual holocaust, the House of Commons would not be very hard to please about its nomenclature or configuration. His right hon. Friend could not, and would not, he was sure, say that what was desired could not be done; for he had already announced that he was disposed to move in the direction they required, and that, in some way or other unexplained, he was willing to try whether he could restrain the practice of sending children in uniforms to our tropical outposts. But let him not deceive himself with the notion that this great question, once raised, would ever be allowed to rest again, until the people of this country had got security for the total abolition of this reckless and ruinous malpractice. Were he an enemy of the right hon. Gentleman, what could he say more bitter against him than that, having the power and knowing the fact, he had allowed the evil to go on up to this time without any attempt to extinguish it? He would not do him such injustice, because he thoroughly believed that until Parliament interposed with a high hand its interdict, no Secretary of State would ever be able, even though he were willing, to bring this evil system to an end. It was very like what occurred regarding the abolition of slavery. Year after year the demand was made, the evil admitted, and benevolent promises given by Secretary after Secretary of State, that orders would be issued to lessen the mischief, and gradually to work the cure. But slavery would have gone on until this day, if the House of Commons had not resolved that it should be abolished once and for ever. He repeated what he had already said, and should never cease to say, until the truth was admitted and inscribed in the Statute Book—that we should get the proper men if we paid the proper price for them. Putting aside all considerations of health and availability for ordinary duty, and putting aside all considerations of cost and sickness, was it conceivable that we should be contented to rely on such materials for our Army, on whose conduct our existence as a nation must depend? Would they insure their houses or their lives with a company the half of whom they knew to be worth next to

nothing? It could hardly be doubted that the current of public opinion had set in strongly and steadily in favour of a thorough change in this primary and essential element of military organization; and he trusted that the feeling of the House would be in unison with the feeling of the public at large, and that we might place the Army, as regarded the rank and file, gradually, but permanently, cautiously but irreversibly, upon a different and a better footing than that whereon it hitherto had stood. He thought the time had come when, if they wished to have a national Army, the stupidity and inexperience of youth, and the recklessness of ragamuffinry crimped in publichouses, should give way to the intelligent, loyal, useful, sound-hearted, and able-bodied men, who might be drawn from all sections of the industrious community. Let them, in this respect, be admonished by what Prussia, Switzerland, America, and France in her better days—days which he trusted would soon return again, had wisely and deliberately done. Let them trust the defence of the country to an Army which would be worthy of the nation, in sympathy with, and part and parcel of that ancient commonwealth for whose existence it was the pledge and guard. Then, indeed, they might care very little for the threats of foreign Powers; for with their Fleet for the first line of defence, and their Army for the second, their safety would be secured. The hon. Member concluded by moving his Clause.

New Clause.

(Recruit to be twenty years of age.)

"No person enlisted as a soldier in any regiment of cavalry or of the line shall be called upon to serve Her Majesty out of the United Kingdom until he shall have attained the age of twenty years.—(*Mr. McCullagh Torrens.*)

Mr. HOLMS said, he rose for the purpose of supporting the clause of his hon. and learned Friend the Member for Finsbury (*Mr. W. M. Torrens*); but as it limited only the age at which men should be enlisted for service out of the United Kingdom, he had ventured to add an Amendment, the effect of which was to limit the age of soldiers for home service to 19 years. He regarded this Amendment as a natural and necessary corollary to the clause of his hon. and learned Friend; and he was convinced that if enlistment was allowed to go on,

under 20 years for foreign, and 19 years for home service, the Army would decline in power and strength, and they would have few deserving the name of men fit to go forth and do battle. But, both as regarded the proposition of his hon. and learned Friend and his own Amendment, it appeared to him that it was essentially necessary they should consider two points—two points which he thought ought to be placed before the Committee and the country fully and clearly. The first of the points was with respect to the present system of enlistment; and upon that he would venture to make to the House a few statements which might be novel, and would, he thought, be useful on that occasion. The second and all-important point was, how they could best obtain an Indian and colonial Army, perfectly distinct and separate on the one hand, and a home Army perfectly distinct and separate on the other, and yet both be blended together, maintaining that harmony of working which was necessary in a complete military organization. Now, as regarded the first important question to which he had alluded, he would wish to draw the attention of the House to some facts bearing on the more prominent features of the present system of recruiting. But before dealing with that portion of his subject, he wished to point out some facts in relation to another department, which, he was sorry to say, was also important—namely, the running-away department. They had in their recruiting system three departments: first, the department proper for recruiting, under the Horse Guards; secondly, this running-away department, under the War Office; and, thirdly, the department for discharging men, which is conducted by a Board of Commissioners at Chelsea. As regarded the running-away department, he found that whilst in the years 1867 and 1868 no less than 68,000 presented themselves for enlistment, of that number 18,000 were required to fill the places of those who had run away from the Army, and from recruits before final approval. Reducing it still more clearly, out of this total of 68,000 men, 42,360 passed and were accepted, but during the same period 14,250 ran away, or, in other words, deserted the Army; so that, in reality, every third man enlisted was required to make up the deficiency caused by deser-

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tion. Well, it appeared to him that, taking this circumstance into consideration, and having regard also to the fact that out of 6,000 men who annually deserted, 2,400 were recovered, and out of that number 146 had deserted twice, and 4 three times, how would it be possible to conduct any business in that country, where they had so many people determined not to serve them? But, worse than that, he found, in 1869, that whilst the number of recruits that passed as worthy to serve Her Majesty amounted to 11,089, they discharged that year 2,793 men as bad characters—men that they did not like; and that 4,122 ran away because they did not like them, so that they had nearly 7,000 to supply by fresh recruiting. That, in his opinion, made the service a complete sham. It was like trying to fill a bucket with a hole in its bottom: they would lose nearly as much as they gathered; and they were spending a great deal of money for nothing. He would venture to point out to the House these details, because it appeared to him that they were a good deal in the habit of discussing great principles alone; but details were to great principles precisely what pence were to pounds. He ought also to allude to the expense connected with the recovery of these men—£6 5s. per man, besides the time lost by the imprisonment. Well, it appeared to him not a little remarkable that this state of things could possibly exist, and he had made some inquiry himself with the view of solving the difficulty. He visited one of the recruiting depôts—a depôt the most important in this country, seeing that out of the 14,000 approved men who passed last year, over 7,000 passed through this particular depôt. That depôt was St. George's Barracks, behind the National Gallery, and he found there one apartment—a large apartment, very clean and well lighted no doubt—a dormitory. It was abundantly supplied with air—that was to say, there appeared to be an ample space per man, but the beds were of the most filthy and abominable description; and that was the place where recruits were first introduced. But that was passable compared with some other things that he saw there. When he went down to the day-room he found it was well lighted, but there was nothing in it except some tables and forms. The men were all hanging about; their

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clothes would be of first-rate service to a farmer for scaring away the crows; but here men had no newspaper, nor anything for them to read; nothing whatever to form the least inducement to them to stay even within the walls of this barrack. Then, he went to see the canteen—a small room comparatively, 19 feet long and 19 feet wide, but only 9 feet high; and although it was a glorious noon-day in March, this place was lighted with gas. It was divided in the centre, through which a kind of counter ran; behind it were several people supplying the recruits, and the other side was crammed full by men. He asked himself after seeing that—Is it any wonder that out of the number of recruits that come here, some, at least, should desire to run away? A little common sense would alter this; it was not a matter of statutory law; the difficulty lay elsewhere. This place was under the guardianship of the War Office, and he held that a place in such a state was not a credit to the War Office, nor any department connected with military affairs. But he said—as a Christian nation, would they believe it—that these men were asked not only to spend week-days, but Sundays there, and there was not a Bible nor any book, of a religious or any other description, to look at? They had plenty of churches near, but these men might or might not go to church, and it was not creditable to the nation that they should leave them in that condition, and he felt ashamed that it was so. He was glad to see that already, since his visit, a change had taken place, some officers having provided a few pictures, and some small books to read; but what he would ask was, whether, when men found they regarded them as lightly as that, it was consistent with common sense to expect that they would serve them faithfully? Well, he regarded that question of age as being of vast importance, and it was the groundwork of the clause of the hon. and learned Gentleman the Member for Finsbury, as well as of his (Mr. Holms') Amendment. It appeared to him that it was essentially necessary that they should thoroughly and clearly understand the position of their recruiting system, both in relation to age and occupation, during, say, the past 10 years. Now, he found that for a period of nine years—from the years 1860 to

1868, inclusive—they had 182,500 recruits, and out of that number 69,500 were rejected. These men were—if the House would allow him he would give the ages, because it might be an advantage to be saved the trouble of obtaining them—under 17 years of age, 4,706; over 17 and not 18, 13,635; over 18 and not 19, 46,441; over 19 and not 20, 31,246; over 20 and not 21, 23,552; over 21 and not 22, 16,854; over 22 and not 23, 14,185; over 23 and not 24, 10,986; over 24 and not 25, 10,049; and over 25, 10,610. As to the occupation of these men, he found, roundly, that 105,000 belonged to the labouring class; of mechanics and artizans, 62,000; of shopmen, 14,000; and of professional men, 1,400. He had next to refer to the important point of rejection, and he begged the House to permit him to say this, that he spoke as an employer of labour, and looked upon it as a labour question—a question of some moment to them, seeing that they, as a nation, were progressing so steadily year by year, in the employment of men and women. From the years 1832 to 1841 the recruits rejected were at the rate of 298 per 1,000; from 1842 to 1851, 335 per 1,000—he regretted that he could not continue to quote the figures uniformly, but from 1860 to 1867, the rejections were 385 per 1,000, being an enormous increase. The reason why he fixed upon 19 years as the minimum age for men intended for home service was because he found that the number of rejections was far greater in proportion with young men than with men of more mature years. He had been furnished with a paper for January, and he found that out of 1,016 men enlisted, the percentage of rejections under 19 was 27; from 19 to 20, 24½ per cent; from 20 to 23—the age at which the Prussians take men, and wisely as he thought—a little under 19 per cent, showing that men of younger years were less fit for service. He would like to make another statement which had made an impression upon his mind, and that was as regarded the age of the men of their Army in 1868. In that year they seemed to have had 70,000 men on home service, only 12,800 of whom were less than 20 years old; whilst in India they had 46,000, 2,250 of whom were below 20. That was a contrast compared with the state of the 54th Regiment, which went out to India a

short time since, and more than one-half of which was declared to be composed of men under 20. And now he would pass on to the next and all-important subject—and until they had solved the difficulty he did not see how they could hope to obtain recruits with facility—he alluded to the problem—How were they to have an Army for India and the colonies which should be separate and distinct from the Army for home service, and yet be blended with it? But before speaking upon that, he was obliged to point out difficulties which had been forcibly adverted to by the right hon. Gentleman the Secretary of State for War—namely, first, that it would not do to have an Army in India and the colonies perfectly distinct from that for home service, because then the Indian Army would become a class; secondly, that it was necessary to have the men serve the Queen elsewhere, if required; and, thirdly, that the officers should be permitted to have home as well as Indian service. Speaking as a business man he thought those difficulties might be overcome, and in this manner—in the place of existing regulations, they should have in their regiments three battalions, one of which should be for service for India and the colonies. Six years would, perhaps, be the appropriate period of enlistment, as medical men had declared that five years was sufficiently long for a man to serve in India, the remaining twelve-months being set apart for going out and returning. The other two battalions should be for home service; they should be enlisted for any period of time they might consider appropriate, and, perhaps, it would not be longer than three years. They would then have one battalion continuously for India and two battalions for home service, and the officers might still exchange and interchange just as they pleased. Now, if his Amendment were carried, limiting the age for home service to 19, soldiers could remain with their battalions in the United Kingdom for a year, and then, if they chose, volunteer for India. That could not, in his humble judgment, interfere in any way with the system of short service; and as to India, they had never had any difficulty in obtaining men to go there. Now he came to the last two questions he had to ask: the first was—What did they want; and the second—How might they

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obtain what they want? It appeared that they wanted 85,000 men for India and the colonies. At present, they had 62,000 men in India, and 25,000 in the colonies; but by the policy initiated by the right hon. Gentleman the Secretary of State for War, the number for the colonies would be reduced. Then they wanted for home service a standing Army of 70,000 men, and a Reserve Army of 100,000. If they had Armies of that extent, and of the age his hon. and learned Friend the Member for Finsbury desired, as well as being well trained and disciplined, they would have a force sufficiently powerful for their requirements—larger than at present by 60,000 men; and, from its composition, greatly cheaper. Their Army would be composed of men from 19 to 28 years of age. And he would beg here to make a remark which he thought was essentially necessary at that moment. It was this—that there appeared to be a great deal of misunderstanding as to what the Prussian Army really was—and it was that Army which was specially recommended to their notice. He had seen it stated that the battles lately won by Prussia had been won by men between 20 and 23, but he ventured to say it was no such thing. The real Prussian Army—the Army sent to the field of battle, consisted of men from 20 to 28. Many men said they had seen the regiments at drill, and that the soldiers were of the former age. That was true in time of peace; but let the tocsin of war be sounded, and then they would see an Army composed of men from 20 to 28; and that was the kind of Army they would have to encounter were a misunderstanding to be created with Prussia. Speaking of our Reserves, he was one of those who were greatly in favour of having a Reserve as early as possible, because upon that alone could they found their hopes of efficiency and economy. It was a matter of grave consideration in that country, what their Reserve was to be after they had got it. Did they call it a Reserve when they gave a man a ticket as a Reserve man? What he called a Reserve was men upon whom they could depend in time of need, and upon whom they could lay their hand at any time; and until they had a system of that character, they would not have anything deserving the name of a Reserve. Now he came to the question,

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How to obtain it?—and he had to speak still as an employer of labour, that being in one aspect a great labour question. First of all, they must treat the men better when they got them. When they introduced them, let the recruiting depôt be of that character that when they went forth themselves they would be their best recruiting sergeants, and that was the only rational way by which they could obtain men worth having. But they must also raise the price. Without an hour's hesitation, they must give 1s. 6d. instead of 1s. 2d. per day; and moreover, as regarded their Reserves, in place of 4d. give them 6d., and only keep them six years, and then they would get such a number of men, and pass them so quickly through into civil life again, that a foreign foe landing in this country would find that it had got in the midst of an hornet's nest. Well, then, having raised their wages, and treated them in a better way, carry out what the Government had already commenced, make the profession something more honourable by giving the men, after they were discharged, Civil Service employment. Do not give them Post Office or such like occupation until they had passed through the Reserve; but if they did so, then Army men would become equally as valuable a corps as the Commissionaires had done, and people in private life would be glad to employ them. If the profession became more honourable, and they accepted them in their service, they would give them a name and standing which would enable them to be well employed afterwards. Now, they must not forget that they were in a changed position to what they used to be. Since 1855—since the stamp duty had been taken off the Press—the veil had been lifted that used to stand between different classes of men; that veil had been lifted up never to be interposed again. They now saw and know everything, and unless they offered good terms they would not come to serve them; and he hoped they would allow little delay to take place, when common sense pointed out that the market was not in such a state that they could easily obtain men. As regarded the officers in charge of recruits, it appeared to him that they would be still called upon to do that duty which they had not done thoroughly in the past. He spoke with the greatest friendliness

of officers of the British Army, for he felt grateful to them for the kindness with which they had treated him; but he would venture to say that they might expect from them that there would be better manufacturers of soldiers in the future. He trusted the day was gone by for discussing whether a man could be made a good soldier in three years. They had seen that the Prussians could win victories, although their men only received that period of training, and there was not the slightest reason why the same should not be the case in England. But in a moral sense, and for the welfare of the nation, he was inclined to think it was all-important they should not keep men away from their trade and calling for more than three years. A broken bone, if set quickly, again united and was as strong as ever; but if long kept apart, to reunite it became impossible. So it was with a man, if they kept him away from his trade or calling for, say, three years, he would probably resume work with aptitude and readiness; but if he did not resume within a reasonable time, he never became so good a tradesman as he was before. And now he ought not to occupy the attention of the House for a longer period, he had only one word more to say, and that was that he sincerely trusted that that discussion tonight would have for its effect the introduction of a very comprehensive scheme, such as the country would appreciate. The Duke of Wellington once said—"I am aware that it is intolerable for the British Parliament to consider in time of peace what is necessary in time of war." He hoped those words would be of use and warning to them, and that they would take care, after the terrible events that had recently darkened Europe, to set their House thoroughly in order. The Amendment of which he had given Notice was—

"And no person shall be enlisted as a soldier for home service who is under nineteen years of age;"

but he understood that he had not the power to move it at the present time.

VISCOUNT MAHON said, he approved of the proposal of the hon. and learned Gentleman the Member for Finsbury (Mr. W. M. Torrens), and hoped the Government would be disposed to meet the Committee in that matter, because it was stated in "another place" that the

subject of recruiting for India had been taken into consideration by them, and that they proposed to offer a bounty of one guinea to each man over the age of 22 years who volunteered to go out there. For another reason he trusted that the Government would accede to the reasonable demand of the Amendment, because soldiers under 20 years of age were not physically able to bear the fatigue of foreign service, and were frequently after a short period of service sent home invalided. From an able analysis by Lieutenant G. Talbot, of the Prussian dragoons, it appeared that the average age at which men entered the Prussian service was 20½ years, and that a great proportion of them were, in certain cases, allowed to remain away another year. Taking that into consideration, he thought it need not be said that there was any great difficulty about this matter, for the Government would find on going into the subject that they could easily find a supply of men 20 years old to serve in the Army. The result of recruiting in London he found was not adequate to our requirements, numbering as they did only 15 a month since the 1st of January last, of whom many did not join their regiments. The easiest mode of increasing the strength of our Army would be to obtain volunteers from the Militia, the commanding officers of which force ought to be prohibited from detaining men who were willing to join the Regular forces. According to the Report of the Inspector General of Recruiting, this leave had sometimes been withheld. It was a good thing to abolish bounty, but to abolish pensions was a very different affair, for they would find that really serviceable men would not enlist unless the prospect of a small pension were held out to them.

SIR HENRY STORKS said, the proposition of his hon. and learned Friend the Member for Finsbury (Mr. W. M. Torrens) was one of great interest and of very great importance. The Government entirely concurred in the principle laid down by his hon. and learned Friend, and they would have supported him if he had brought forward his proposition in the form of an Address, praying that, as far as practicable, troops should not be sent abroad under 20 years of age: but when his hon. and learned Friend wished by statutory

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enactment to oblige the Government not to send troops abroad under that age, the question assumed a very different shape. His hon. and learned Friend, in introducing this subject, had touched upon one of the most difficult problems connected with military administration. That problem was rendered more difficult of solution in this country by two causes—first, compulsory service or conscription for the Regular Army was impossible; and, secondly, very peculiar and varied services were required from the British Army. As to the system of conscription, or compulsory service, he believed there was no hon. Member, or at least very few, on either side of the House, who did not concur with him (Sir Henry Storks) in the opinion that it would be positively impossible; but while saying that, he knew that the noble Lord the Member for Haddingtonshire and some few others thought that if it could be made use of, it would be found of great service as a keystone for organization. [Lord ELCHO: For home service.] As a soldier, he should be but too glad to be able to go into the labour market and fill up the ranks of the Army with the most efficient men he could get; but when he considered the habits, feelings, and nature of Englishmen, he did not think it possible to carry out such a system. He doubted very much whether even if the Legislature passed a law to establish compulsory service, the Government would be able to carry such a law into effect. Then, as regarded the services that were required from the British Army, he held that there was no Army in the world from which services so varied and so distant, and duties of such great importance were demanded. He did not think he could better illustrate the sort of services required from the British Army than by referring to the last regiment in which he had the honour to serve. That regiment came home from India in 1836, after a service of more than 20 years. They came home a skeleton regiment, the greater number of the men having volunteered to remain in India. Those who came home were discharged as inefficient, and in the course of the summer of 1836 the regiment was recruited. The regiment in 1840 went to the Mediterranean, after having had 11 moves, to say nothing of the moves of detachments in the United Kingdom, principally in Ireland. The

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regiment was in the Mediterranean till 1845, having served in the Ionian Islands and Gibraltar. In 1846 they went to Jamaica; in 1848 they went to Halifax, Nova Scotia; in 1851 they returned to England; and in 1854 they joined the Army in the Crimea, for the Crimean Expedition. In July, 1856, they returned to England after the Crimean War was at an end. In August, 1857, they embarked for India, and were there still. That was a specimen of the ordinary service required from a regiment of the Line. But by the wise policy of Her Majesty's Government foreign stations were reduced, and services so excessive were not perhaps now demanded from the Army. Bad stations in the West Indies had been abolished, and our troops had been entirely withdrawn from the Australian colonies. A Return for 1862 showed that in that year we had 47 regiments of Infantry in the colonies and 56 in India; whereas in 1871 there were only 22 in the colonies and 50 in India, making in all 72 abroad. In fact, only stations of position were now kept up. The Indian service, too, had been very much modified—first, by facility of communication, and, secondly, by the introduction of railways in India. Troops instead of going round the Cape now went by the Suez Canal and the Red Sea at the best season of the year, and when they arrived in India they were sent, as far as practicable, by means of railroads to their stations. Such a circumstance could not happen now as that related lately, of a body of 137 men landing in India, only 30 of whom joined the regiment at its station. It was not so much their youth that unfitted men for the Indian service, as their not having the requisite *physique* resulting from good feeding and training, and regular habits. In fact, no one should be sent to India until his constitution had been entirely proved. No doubt, it would be very desirable to enlist no men but sound men, fully developed in a physical point of view; but he held that in this country that was a thing almost impossible. Such a thing could be done in a country where there was conscription, and they could go to the labour market and take such men as they required; but in a country where they had voluntary enlistment they had really to take the men more or less as they could get them. The real difficulty was to

catch men for the purpose of joining the Army about 20 years of age, for they were then generally engaged in some trade or calling, and were not very eligible for recruits. It had been suggested that they should offer better terms when they went to the labour market for men. If that was to be done by bounty, he doubted whether it would have the desired effect, for everybody knew that the system of bounty had been a fertile source of fraud and desertion. His right hon. Friend the Secretary of State for War had abolished the system of bounty, and he was happy to say that its abolition had been attended with most excellent results. With regard to extra pay, he believed there was no hon. Gentleman of the military profession in that House who would not be of opinion that if extra pay were given to soldiers it must be done with great caution. Extra pay had not been attended with the good results that had been anticipated. There was another proposal, which had been warmly advocated some time ago by a friend of his, the late Mr. Godley—namely, to pay a man a shilling a-day, and put by another shilling a-day, so as to form a fund to be given to him on his discharge. But all who had anything to do with soldiers would agree with him that all dealings with them should be ready-money transactions. There was no class who were more suspicious, or who would be more cautious in entering into any engagement in which the pay was deferred. All the statistics with regard to recruiting were highly favourable. In time of peace there was no doubt that a young Army was an advantage. General Edwards had reported that the improvement in the *physique* of the recruits a short time after joining their regiments was wonderful, and officers were generally agreed on that point. The Returns for one year showed that there was an improvement in the average height of one inch; when measured across the chest, of two inches; in weight, of 16 lbs. With regard to the 60th Rifles, one battalion, the 4th, had been recruited in London, and the colonel had expressed himself perfectly satisfied with his regiment. The 54th had been also alluded to. He had lately an officer of that regiment in his rooms, who stated that he had no fault whatever to find with his recruits. [Colonel

STUART KNOX: Did he say they were fit to go to India?] The officer stated the regiment had been medically inspected and approved. If the system of his right hon. Friend the Secretary of State for War were in operation, allowing six years with the colours and six with the Reserves, and giving 25 per cent of old soldiers, in an emergency the Reserves would be ready to fill up the ranks of the Army, and there would be no need to go to the recruiting market. Let them take, for example, the augmentation of last year. Under the existing system they had to go to the recruiting market to raise the 20,000 they wanted; but if they had the Reserve, the Government would consider whether it was desirable to increase the Army by 20,000, or whether it would not be better to watch the course of events. Supposing that scheme were carried out, he would compare what would be the condition of the Army then with what it was at another period—for instance, 1866. In 1866 the infantry of the Army was constituted as regarded ages as follows per 1,000 men:—There were under 18 years of age 17·8; from 18 to 20, 114·6; from 20 to 25, 275·2; from 25 to 30, 356·2; and above 30, 236·2. Under the proposed system, when the Reserves would be called out for service, 1,000 infantry would consist of 145 from 18 to 20 years of age; of 278 from 20 to 25, of 464 from 25 to 30, and of 113 above 30. The Committee would not fail to observe that by the proposed system the numbered men above 30 years of age was only 113; while by the existing system the number of men above 30 years of age was 236. Allusion had been made to a General Order issued some time ago, as to which he would give a few explanations. The cause of that General Order was this—the peace establishment of many regiments being quite full, the Adjutant General reported that recruiting must be partially stopped. His right hon. Friend the Secretary of State for War was very unwilling to check recruiting, and to obviate the difficulty which had arisen, a General Order was issued inviting men of not less than three years' service to go into the Reserve, in order to keep the numbers within the limit of the establishment. That General Order had been laid on the Table in "another place," and would be produced in that House,

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if it had not been laid on the Table already. The result had been that 22 sergeants, 186 corporals, and 2,462 out of 64,000 infantry had offered to join the Reserve. His right hon. Friend had since arranged that all the volunteers joining the first Army of Reserve, exclusive of bandsmen, should be allowed to do so at once. Measures had been taken to complete the regiments under orders for India and the Indian depôts, and men in all respects fit for Indian service, not under 22 years of age, were to be permitted to volunteer, with an allowance of a guinea. Care had also been taken not to send recruits to India under the age of 20; such recruits were to be transferred to the other battalions of their regiments if they were at home; and if being enlisted for general service under the powers given by the Act they would be transferred to other battalions, care would be taken to explain to them why the transfer had been made. He would venture to urge that it would be very questionable policy to tie the hands of the Government by legislative enactments, prohibiting under any circumstances the employment of Her Majesty's troops under 20 years of age out of the United Kingdom. Such a legislative enactment would be very hard even on the country. There were many men under 20 years of age who would be perfectly fit to serve abroad, probably more fit than many above 20. But the great thing was to insure that these men received a perfect medical inspection, and that none should be allowed to go to India or abroad unless pronounced to be fit by the proper medical authorities. It would be impossible to agree to the Motion of his hon. and learned Friend as it stood; but Her Majesty's Government would have readily concurred if he had moved, or would concur if he would still move, an Address praying that, as far as practicable, no recruits should be sent abroad under 20 years of age.

COLONEL NORTH said, that Her Majesty's Government had at last opened their eyes to the bad policy of enlisting very young soldiers, but they were indebted for that to the speech of a noble and gallant Lord "elsewhere" (Lord Sandhurst), who said that if their Armies were to consist of youths under 21 years of age, they were simply organizing defeat. Now, there was, he

believed, no soldier who would not assent to that statement, and the noble and gallant Lord deserved, in his opinion, the thanks of the Army for having called attention to the subject. He would beg to point out to the Committee a very important omission from the statements made by the noble Lord the Under Secretary for War in the other House. The noble Lord had stated that the greatest care was taken that young men before they enlisted should have pointed out to them the advantages and disadvantages of the service they were about to enter. This, no doubt, was correct—but nothing was said about the stations to which they might be sent. This was a point of the greatest importance for a young man to know. He had that morning received a letter from a most distinguished officer, in which the writer stated that it was very sad to see the recruits who had lately gone out to India, a great many of them being under the age of 20, which meant that they were only 18 or 19. It was true that the Commander-in-Chief had given directions that everything possible was to be done for the men; but there was no accommodation at the hill stations for the number of boys who were sent out. He would simply observe, in conclusion, that it was impossible to tell how many hundreds of the young men who were to be embarked for India next September, under the auspices of the Government, would be marched, not to the hills, but to their graves. He (Colonel North) was sure that the speech of the noble Lord in "another place," to which he had referred, would receive consideration and attention, and he hoped it would not be lost on Her Majesty's Government, who he thought ought to have been aroused to the danger of the situation from the difficulties experienced during the Crimean War, arising in a great measure from the youthful age and consequent insufficient stamina of the reinforcements sent out to keep up the strength of the effective force in the field.

MAJOR DICKSON said, that although last year he was unable to impress his views upon the House, they were now held by no less an authority than *The Times*, which, in an article inserted last month, after enlarging upon the mischief to a standing Army by too rapidly passing men through its ranks, said—

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"A Reserve Army is of great importance, but an active Army is of more importance still, and we should hope to see it always ranked first by our military authorities."

These were the principles he had always ventured to impress upon the House. The system of enlisting boys for short service was slowly but surely destroying the efficiency of the active Army of this country, and, if pursued, must, sooner or later, bring disaster to our arms and disgrace to the country. One evil was the want of adult soldiers of full age to send to India. He could imagine nothing more likely or even more certain to bring disaster to our arms than to send mere untrained, undisciplined boys to defend the territory of India. These youths would not only fall by numbers from the effects of climate, but would be unable to hold their own against the Sikhs, the Afghans, the Ghoorkas, and other hill tribes, who would look upon Englishmen as degenerating. Such a feeling would result in a loss of prestige, followed by a loss of territory. It was incredible that any Secretary of State or Commander-in-Chief should think of sending to India regiments composed of mere youths. But if even the clause now proposed were accepted, the right hon. Gentleman the Secretary of State for War would find it difficult, if not impossible, to carry it into effect. If boys were enlisted from 16 to 18 for active service, and then passed into the Reserve in three, or even six years' time, our active Army must be composed of mere youths, not yet physically developed, who had not had time to acquire habits of unquestioning discipline. Where was the Secretary of State to obtain men of the full age of 20 to maintain an Army of 60,000 men in India? If the Bill had really been one to re-organize the Army, amalgamating the Militia and the Regulars, there would have been no difficulty in getting rid of these young soldiers: but now he would have to transfer these youths to other regiments against their will and against the will of those regiments. Recent examples in France must show how dangerous it was to trust the honour or the territory of a country to young, untrained soldiers. Yet the right hon. Gentleman was doing that very thing. By the Short Enlistment Act the active Army would be composed of raw youths, with a doubtful Reserve behind—doubtful

because one-third of them would probably not be forthcoming when wanted. It was our old soldiers who gave the English Army its high character in the Peninsular and in India. If the troops engaged in the Crimea had been composed of the mere striplings who were now in the ranks, we could not have boasted of the Alma; and Inkerman, instead of being a word of pride to Englishmen, would have been a disgrace and a reproach. He was disappointed that this Bill was not made more than in name an Army Regulation Bill. He hoped the right hon. Gentleman would re-consider the Act of last Session, and that next year he would take the whole question of Army recruiting into his consideration, so that we might have an Army, which, if we were suddenly attacked, might maintain its high character and the honour of the country.

SIR WILLIAM RUSSELL said, he thought that the restriction involved in the proposed clause might be exceedingly embarrassing in case of war. If recruits were taken at 18 years of age and well fed until they were 20 years old, they would then be fitter for foreign service than if they were kept at home and badly fed until they were of the age of 20. He thought it would be well for the hon. and learned Member for Finsbury to accept the advice of the right hon. and gallant Gentleman the Surveyor General of Ordnance and withdraw his clause.

MR. OSBORNE: I confess it seems to me that the way in which this new clause has been met is satisfactory in some respects, but not altogether. The clause of my hon. and learned Friend the Member for Finsbury (Mr. W. M. Torrens), amid the weary waste of words that we have listened to in these debates, is to my mind the first gleam of anything like the re-organization of the Army that I have seen. It is the first intimation that any hon. Member has given that the rank and file is the most material part of the Army—its bone and sinew; in fact, that all consideration of its claims and requirements has hitherto been postponed to the wranglings over the pecuniary interests of the officers. For my own part, I confess that I am delighted to get away from that subject at all events; but I must say that I am equally disappointed with the speech made to-night—the official speech, redo-

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lent of tape of the reddest description—that has been delivered by my right hon. and gallant Friend the Surveyor General of Ordnance. What did he say? If a noble Lord in “another place”—who was sent to that “other place” in order to support this Bill—if he viewed with feelings of blank dismay the recruiting system for the rank and file of the British Army—what, I should like to know, will his feelings be, after the speech of the right hon. Gentleman on the Treasury bench? Was there, in that speech, any indication of a policy—of any better policy for the future, in order to put the Army on a more satisfactory footing? As far as I could discover, there was nothing but a recurrence to the old pigeon-holes of the Horse Guards; and although the right hon. Gentleman concurred in the alteration now proposed, he still defended the old system of recruiting. I did expect—and I have not yet abandoned the hope—that when the military man had failed the civilian Minister of War would give us his idea as to the degree of success that has been reached under the present system of recruiting. It is not sufficient to show to the House that the voluntary system gives us mere numbers. It does do that; but that is no criterion of what the Army is. What we require is a system that gives us not mere numerical quantity on paper, but quality in the field. Does our present system do that? Has the right hon. and gallant Gentleman (Sir Henry Storks), in those few words of his, given us any idea that the Government or the Horse Guards is in a position to comprehend the difficulties and the drawbacks incident to our present system of recruiting? I heard the speech of the right hon. and gallant Gentleman with blank dismay. How is our recruiting at present managed? We have seen lately a good many changes in the Orders of the Horse Guards on the subject. First, the service was for three years, now it is for six; the truth being that we are slowly forming a problematical Reserve at the expense of the standing Army. It is obvious that that is so, because the greater the demand for recruits, of course the greater will be the number of youths or “starvelings,” as they have been called, that fill the ranks of your Army. The effect of this policy is already evident. Only the other day you fixed

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upon three years as the time of service; but already you are obliged to double that period. [Mr. CARDWELL dissented.] Does not the right hon. Gentleman admit that? [Mr. CARDWELL: No.] The right hon. Gentleman gives no sign. I maintain that the fact is incontrovertible, that the present system of recruiting and of passing the men through the Army is exposing the country to the most frightful peril should war break out. You are continually imitating what you call the Prussian system in details, but you entirely forget one thing—that the keystone of that system is compulsory service, and it is of no sort of use imitating this slight detail of three years' service unless you take the Prussian system *in toto*. Now, I think a great deal may be said for that system; but we are told that in England it is an impossibility. Of course, if the Government declares a thing to be “impossible,” it will be thought to be so. Now, I have no love for compulsory service; but this I will say—that if the present system of recruiting is maintained, and if a great European crisis happens, you will be compelled to come to compulsory service. We have heard something to-night of the Crimean Army, and how it broke down; but is my hon. Friend (Mr. Torrens) aware that the first Army, before it left our shores was in so unsatisfactory a condition that a great portion of it was weeded out and kept as a Reserve; that it did not sail until it had undergone complete medical inspection; and that a great portion of the men were withdrawn? And why was that? The present system of recruiting was the cause. Now, we have heard something of the pay of the soldier, and it has been said from the Treasury bench that that is not the way to popularize the Army. I think, and have always thought, that if you want to get good men you must give them good pay, and if you want to popularize the Army, the first step is to increase the pay of the soldier. We know that the wages of mechanics and skilled and unskilled labour of all kinds have been advancing for 20 years; whereas the pay of the soldier has advanced very slightly indeed—2*d.* per day has been, I think, the extreme advance within the last 10 years. How can you expect to get in this country the proper sort of men—“marvellous proper men,” as they used to be called in the old phrase—

unless you pay them fairly?—the fact being that you now draft into your Army the sweepings of the streets of our towns and all the drunken and idle fellows of the country, or a great proportion of them. Will anyone pretend that the Army is now a popular institution? If a widow has a son who joins the ranks, does she not look upon him as utterly lost? When you talk of the treatment of the soldier, listen to the evidence of Colonel Cameron—one of the colonels quoted by the Treasury bench—who gives the case of one Samuel Corrigan, who served in three campaigns, was wounded severely several times, had the Turkish medal, had three clasps, and at last, on his retirement from the service, was allowed by his grateful country the sum of 6*d.* a-day to live on. Yet, when such are the rewards you hold out to gallantry and bravery, and the moral discipline and control requisite in a thorough soldier, you expect, nevertheless, that good and competent men will crowd into your ranks. Is it possible to popularize the Army on such pay? The only fault I find with the clause of my hon. and learned Friend is that it does not go far enough, because it only includes the regiments of the Line, and omits the Guards, the Engineers, and the Artillery. When I am told that the imposition of a restriction of this character in an Act of Parliament would embarrass the Government in case of war, I answer that nothing can be easier than to put in a clause giving discretionary powers to the Executive in cases of emergency; but it is beyond dispute that if we are to have a national Army we must destroy the present system of recruiting and substitute a better one. I really am surprised that hon. Gentlemen on the Treasury bench should pay so little attention to the Reports of their own officers. If ever there was a Report that ought to have opened the eyes of the Horse Guards it is that of Major Edwards for 1868-9, the Governor of the Military Prison of Fort Clarence. He states in that Report, that—

"While the pot-house system of recruiting is necessary, the lowest classes have to be inveigled into the ranks, and men of loose, unstable habits must, to a large extent, constitute the Army."

And he gives the following extraordinary statistics:—In 1868, 25,600 convictions took place before Courts Martial; 8,762 soldiers were imprisoned in mili-

tary prisons, and 1,774 were branded for desertion. Out of the average strength of 78,264 Regular soldiers in the United Kingdom in that year, 70,270 were treated in hospital, more than two-thirds of whom were treated for diseases contracted by youth, ignorance, and bad conduct. That was the state of the Army in 1868; and compare the statistics with those of the metropolitan police force in the same year, when out of about 8,000 men only 16 were charged with offences, and only two were imprisoned. If the metropolitan police were recruited as our Army is recruited, we should not be safe in our beds. I am disappointed at the way in which the Motion has been met, for it has been damned with faint praise. I know nothing of what the Government intend to do; but I think I know as much as they do themselves. Something has been said about the Army in India. I was one of the minority who always regretted that the local Army in India was destroyed. That was done in one of those panics to which we are too often subjected. It is impossible to keep up a proper supply of recruits in India under the present system, and without the adjunct of some local Army. When we are talking about recruiting in India, can there be a greater argument in favour of the present Motion than the Report of the Sanitary Commission on the state of the Army in India, which was presented to the War Office on July 8, 1870? Dr. Logan, the Director General of the Army Medical Department, says—

"I am fully of opinion that soldiers should not embark for service in India under 20 years of age, and that even immature men of 20 should be kept over to a later age."

Dr. Beatson, Inspector General of Hospitals in India, says—

"One frequent cause of the high ratio of sickness and mortality among European troops in India is the large number of boys or growing lads sent out to fill the ranks."

He mentions four regiments in India—the 92nd, the 1st battalion of the 6th, the 85th, and the 2nd battalion of the 60th—and says—

"Nearly one-fourth of the aggregate number consisted of lads under 20 years of age."

This has been going on for some time, and it is only when the hon. and learned Member steps in and holds a pistol at the head of the Government that they say—"Do not make a statutory provi-

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sion in the matter, but leave it to our discretion." Now, I have so little faith in the discretion of the present War Minister and his associates that I am not satisfied to leave the matter to their discretion. I believe they are well-meaning men; but the whole thing has got into such a muddle and a mess with the British Army—which is always in a rickety state—that if there were clouds on the Continent, the country would not submit to see the men now in office continue to rule the destinies of the country. The Royal Commission to which I have referred recommended that no recruit should be sent out until he was 21 years of age, or until he had completed his drill at home; but no steps were taken for carrying out that purpose, and now, in the month of June, 1871, the Government are so incapable of initiating the thing themselves, that they allow a private Member to bring it forward, and so endeavour to introduce this matter into a defunct Bill. I was going to say something else, but I remembered *de mortuis, &c.* It seems as if the Prussian estimate of the British Army is about to become true; it admits of but one solution—that of obliteration. As far as the recruiting system went I should be too happy if there was obliteration. I am confident that if you are to have a national Army and are to popularize it, it is not by so-called measures of reform, but by taking a broad, constitutional, just view of the constitution, wants, and condition, of the British soldier—not by trailing the red herring of the abolition of purchase, not by a Bill meant to catch the constituencies, but which I think has been a *brutum fulmen* even for that purpose.

COLONEL BARTTELOT said, he rejoiced to hear the speech of his hon. Friend the Member for Waterford (Mr. Osborne), because it had really done much to place fairly before the House and the country the important question which was incidentally raised by his hon. Friend the Member for Finsbury (Mr. W. M. Torrens). He quite agreed that it would have been better if the right hon. and gallant Gentleman the Surveyor General of Ordnance had made a clearer and more distinct statement upon this question of enlistment and recruiting, which was now occupying the attention of the country. This was not a party question, and should be fairly

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and impartially debated, and he hoped they would have an assurance from the right hon. Gentleman at the head of the War Department that measures would be taken to secure a more efficient system of recruiting and enlistment than they now possessed. He had strenuously opposed the system of short enlistment brought forward last year, because he believed it would not add to our credit, or to the force of the country. He believed it would be found inefficient, and have the effect of weakening the Army, instead of strengthening it. The platform of the right hon. Gentleman at the head of the War Department was short enlistment and a large number of men in the Reserves. The hon. and gallant Gentleman the Financial Secretary of the War Office stated that in 10 or 12 years they would have as many as 170,000 men in the Reserves. Now, it had been proved by the documents issued from the War Office that the system of very short enlistment generally failed, and what the Army complained of was, that they never knew on what terms men were to be enlisted. Every day, if not oftener, alterations were made, and during the last few years there had been so many alterations that the market was perfectly bewildered by the different orders. How could they get good men under such a system? The Secretary of State ought to lay down some distinct and definite plan, saying how long a man should be enlisted for—7, 14, or 21 years. But when he said that a man should go six years into the Army and six years into the Reserve, he would signally fail in getting good men. If a man entered at 18 and left at 24, he was not likely to obtain the same class of employment as if he entered at 18 and left at 30 or 35, when he would be fit for some good employment, and not go back to the trade he had left. He would put an allegory to the right hon. Gentleman. Suppose the right hon. Gentleman, after one of the social gatherings at Oxford, when the conviviality was over, to retire from the room, and on reaching the street to see a flutter of ribbons, not from a bonnet, but from the cap of a recruiting sergeant. If he asked how things were going on, and if the Short Enlistment Act was taking with the young men, the answer would most probably be—"Not if I know it," meaning that it was not the sort of enlistment under which a

man would engage. His hon. Friend the Member for Finsbury said no recruit should go to India or the colonies till he was 20 years of age; but the word "shall" might give rise to some difficulty. The most judicious mode of dealing with that question would be to move an Address to Her Majesty, praying that no soldier under 20 years of age should be sent out of the country; but that course should only be adopted on the distinct understanding that the Government would allow such a Motion to pass. The Government would have won for themselves greater confidence if they had refrained from sending abroad men of immature age. The hon. Member for Hackney (Mr. Holms) had an Amendment upon the Paper, to the effect that no man should be enlisted before he was 19 years of age; but the objection to that proposal was, that they must take the men when they could get them, and that it was easier to enlist men of 18 years of age than men of 19. If the men who were enlisted at 18 years of age, or even younger, were taken proper care of, were well fed, and not overlaiden with heavy knapsacks, they would make better soldiers eventually than the older men, who had probably led a disreputable and dissipated life, and only enlisted because they could get no other description of employment. The soldiers so trained would have got through the drudgery of their work at an early age, and by the time that they were 20 years of age they would have become practical soldiers, well acquainted with their professional duties, and proud of the service. There was one very important point that he approached with much pain, and that was, that if men were to be discharged at the age of 21, after only three years' drill, they would be filling their large towns with a mass of trained men who would become a very formidable element in the event of any disturbance arising. During the Chartist, and other disturbances, he had had the opportunity of seeing what men did on such occasions, and knew that if there were amongst them men who could organize them, they would be a more formidable and more dangerous mass to contend against. If, therefore, the short-service system were to be adopted, the recruits must be obtained from a higher class of society than that from which they were derived at present, and they must be paid on a

higher scale. While admitting that a partial fusion of the Militia with the Line might be of advantage, he would point out the danger which would arise out of localizing the different regiments in particular districts—a course that would in all probability result in the men being demoralized to a certain extent by the hospitality they were likely to receive from their friends residing in the neighbourhood. He could see no objection to the Militia doing the recruiting work for the regiments when the Regular troops were abroad, and to a closer relation being established between the two forces. He should like to hear the opinion of His Royal Highness the Commander-in-Chief and of the officers in command of regiments upon the subject of short enlistment, which he thought would be adverse to that system. While admitting the excellence of British soldiers, he thought that they could be improved by the fuller knowledge of their duties which they would acquire under a long-service system. He lamented that the right hon. Gentleman had been led to tamper with the existing regimental system, which had hitherto answered so admirably, in favour of a system of selection which had failed; but still he trusted that, under any circumstances, the new regimental system, whatever it might be, would never fail the country in time of need. Under these circumstances, he was most anxious that the House should be put in full possession of the intentions of the Government on this point, in order that the country might be able to judge of the efficacy of the proposed plan, and as to whether it afforded them the security which had been promised them in the speech of the right hon. Gentleman the Secretary of State for War.

COLONEL SYKES said, he had been much struck during the course of these debates with the almost universal condemnation that had been pronounced upon the constitution of the British Army. That constitution was the same now, both with regard to the *physique* and ages of the men, as it had been during the Peninsular and the Crimean Campaigns, when our Armies had fought admirably and victoriously—a tolerably strong proof that their organization was not very greatly in fault. What had failed during the Crimean War was departmental mismanagement at home,

owing to which the supplies of stores fell short, shot and shell were placed upon packages of medicines, boots and shoes were sent to Balacava, but were never landed, and hay was collected at one place in the Bosphorus and the machines for pressing it at another. With respect to bounty to recruits, he entirely concurred in its abolition. Bounty meant nothing more than a premium to desert. When a man got his money he went off to some other district to join a new regiment and he repeated that process. That accounted for desertions. As far as related to the age of recruits, during his long period of service in India, thousands of young cadets joined, whose ages varied from 16 to 18, and how little the climate affected them the slowness of promotion bore testimony. There was no doubt that it would be safer not to send recruits abroad before they reached the age of 20; but to embarrass the Government by inserting in the Bill the clause proposed by the hon. and learned Member for Finsbury would be an act of the highest impolicy. He hoped the hon. and learned Gentleman would adopt the suggestion of the right hon. and gallant Gentleman the Surveyor General of the Ordnance.

SIR CHARLES WINGFIELD said, he thought it was of the highest political importance that our soldiers in India should be of a good and imposing *physique*. Our military strength in India rested not merely on numbers, but also on the great physical power and endurance of the British soldier. The impression of the people of India as to our military strength would be very much weakened if the regiments we sent to India were largely composed of such puny, weakly beings as he had seen collected at a recruiting depôt not far from the House. He recollected that when the East India Company in 1858 sent levies of raw boys to India to form new regiments of infantry and cavalry, they were so diminutive and ill-shaped that Natives called them "dumplings," and said it was not with such soldiers that we fought on the Sutlej, and that with such soldiers they should like to have a contest with us again.

CAPTAIN VIVIAN, said, the question was, whether the proposition not to send out of this country soldiers under 20 years of age could be combined with a system of voluntary service. He im-

ploded the Committee to pause before they adopted a clause which would prevent the Government from sending out of the country under any circumstances men under 20 years of age. Not only would such a clause shackle the Government, but it would not accomplish the object which his hon. and learned Friend had in view, because in a dozen ways the law about the age of a man would be evaded. Take the case of a pressing demand for recruits for India. They knew very well how recruiting was conducted. The recruiting sergeant, under pressure, would get men of less than 20 years of age. What they wanted was a system whereby they would be sure that the men they sent out of the country were physically capable of performing the duties they had to perform in India, and that was not to be attained by a test of age, but by a test of physical capacity and experience.

Clause *negatived*.

LORD ELCHO said, he must deny that the opponents of the Bill had shown a want of appreciation for the greatness of the question involved in the Bill. He would be the last man to criticize with hostility any proposal of the Government to give to the country a real Army of Reserve, but he contended that the scheme of the Government would simply supply a Reserve of very young instead of experienced men. Hitherto they had been always deficient in a supply of men whenever an emergency arose, and the result was that they were compelled to have recourse to foreign mercenaries. At no time had they ever put in line more than 40,000 men, and their system had invariably failed and broken down whenever the test of war was applied to it. In 1855, with an established strength of 185,000, they had only 143,000 serving; in 1856, with an established strength of 205,000, only 155,000 were serving; and in 1858, with an established strength of 169,000, only 147,000 were serving. These were circumstances which justified the Government in seriously considering the propriety of forming an Army of Reserve, although their experience, as evidenced from the attempt of 1847, had not been satisfactory in its results. He did not object to the proposal that no soldier should be sent out of the country before he was 20 years of age, but he would hesitate before he gave his assent

Colonel Sykes

to a proposition that no recruit should be accepted before he was 20. He thoroughly repudiated the idea that he was in favour of conscription as stated by the right hon. and gallant Gentleman the Surveyor General of the Ordnance. All he believed was, that there should be a system of conscription for home service, for he was convinced that without it they would not be able to re-organize their military system. There should be compulsory service without substitutes of any kind. Lord Sandhurst in "another place" had denounced the regulations issued by the Secretary of State for War, and he (Lord Elcho) held in his hand a letter from the commander of the regiment now under orders for India, in which it was stated that if the Reserve scheme was carried out the regiments would be little better than recruiting depôts. The Government thought they could do away with pensions, and that they would find men willing to come and serve them for three years for 14*d.* a-day, and then go into the Reserve. Hitherto the recruiting system had been based upon the system of pensions, which he believed was sound. But if pensions were abandoned, they should have recourse to increase of pay.

MR. CARDWELL: I do not rise to Order. But what is the Motion of the noble Lord?

LORD ELCHO: That no soldier shall be permitted to enter the Reserve force until he shall have completed his twenty-third year.

THE CHAIRMAN: I understood the noble Lord the Member for Haddingtonshire rose to move the insertion after Clause 10 of the clause which stands in his name on the Notice Paper. The proper time for the noble Lord to move his Motion is after the new clauses on the Paper have been disposed of.

SIR WILLIAM RUSSELL, on rising to move the insertion of a new clause to fix the terms of enlistment, said, he wished to elicit from the Government a statement of their views as to the mode in which the strength and discipline of the Army were to be maintained in the future. In his opinion the three years' scheme had signally failed, and the only possible plan would be to constitute the Militia the foundation of the Army; indeed, the Militia would be sufficient for all practical purposes if England had not to look after India and her

colonies. That being his view, the next point to be considered was, how nearly they could approach the best arrangement for a thoroughly efficient Militia viewed in a theoretical point of view, and at the same time establish a system which should be consistent with the wishes and habits of the people of this country. Theoretically, the best system would be that of enforcing three years' compulsory service, as was the case in Prussia; but as such a system would in this country be simply impracticable, he proposed that balloting should only be resorted to in order to complete the annual quota provided by Parliament for the general Militia, in cases where such quota could not be completed by voluntary enlistment. At the same time, he must express his personal opinion that by means of voluntary enlistment the necessary number of men would be raised. Taking, then, the Militia as the nucleus of the Army both for home and foreign service, it was important that the whole of the men should pass through one uniform training, and that the instructors should be competent to afford the necessary training in a space of time sufficiently short not to unfit the men for returning to their ordinary occupations in civil life. This object would be met by providing that the enlistment should be for a term of one year's service in the general Militia, this to be supplemented by five years' service in the regular Militia, of 14 days in each year, and 10 years in the First Militia Reserve, of 14 days in every second year. As he had said, the protection of India and the colonies alone necessitated a standing Army of long-service men, and he therefore proposed that men to serve in the Army should, after a year's service in the general Militia, be allowed voluntarily to enlist to serve for 12 years in the Army. Then, to meet the various necessities that must arise on a sudden declaration of war, he proposed that after this 12 years' term of service had been completed the men should remain for a further similar period in the First Army Reserve, to be called out in the event of war to complete their respective regiments from a peace to a war establishment. And as an inducement to men to enter the Reserve he desired that there should be held out to them, after 12 years' service, the certain prospect

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of obtaining such service in some one of the civil departments of the Government as should enable them to live. He hoped that Government would cease to treat the Militia unfairly, but would give them such chances and opportunities of embodiment as would enable them to show their true quality; and that if they rejected this scheme of Army organization, they would at least give some small intimation of what they were going to put forward as their basis. On the whole, he must say that as this country was not, in his opinion, so well prepared now to take the field as at the time of the Crimean War, the Government were bound to discontinue their appearance of trifling with the subject, and should at once put into motion measures which would perfect Army organization in the future. The hon. and gallant Member then moved the insertion of a new clause enacting the several particulars described in his speech.

Mr. CARDWELL said, he agreed with many of the principles laid down by his hon. and gallant Friend the Member for Norwich (Sir William Russell), but did not think the House would consent to so wide a departure from the established institutions of the country as the proposition involved. The House, he believed, was prepared to follow a plan which, proceeding upon the existing institutions of the country, would combine together the Army, the Militia, and the other forces, whereas, if he understood rightly, his hon. and gallant Friend proposed to reduce very largely the amount of their infantry force, and substitute for it what he called a general Militia. That would be a body of 50,000 men, who were intended to form a general training school for all the Militia and the Regular forces of the country. It was proposed that through that body should be passed all the men serving either in the Army or the Militia; that they should have the choice of serving in either, but at the end of one year should pass onward to the one or the other; that that force should be raised by voluntary enlistment if that would do, and if not by compulsory service; and that it should be officered by officers of the Regular Army. He thought the principle which the House would prefer was rather the opposite one of making the Army a model for the Militia and Reserve forces,

Sir William Russell

as adopted originally by Mr. Pitt and followed since. Besides that objection which he had stated, there were many practical difficulties in the way of carrying out his hon. and gallant Friend's scheme. He doubted whether anybody would voluntarily enlist without knowing whether he would eventually go into the Army or the Militia; and if a large majority of those who enlisted wished to serve in the Militia, there could be no reliance on recruits for the Army. Therefore they might go to a large expense without having any security as to what proportion of the body, for the maintenance of which it had been incurred, would enter the Army. Thus, in case of emergency, instead of having the 50,000 men divided into regiments who could be supplemented from the Reserves, they would have only a large body of recruits of less than 12 months' service. Besides, there would be a lack of local interest, and the officers being taken from the Army, the Militia officers would feel that they had been passed over. Upon the whole, then, he hoped that his hon. and gallant Friend would be satisfied with the plan the Government had proposed, which was that they should recruit for the Army separately from the Militia, and that arrangements should be made with regard to associating supernumeraries from regiments of the Line with the Militia, so that a military feeling and principle might be infused into all the defensive forces of the country. The regiments being localized and recruiting in their own districts, and the Militia training with the Regular Army, he thought the object which his hon. and gallant Friend had in view would be accomplished without making a violent change.

Mr. M. CHAMBERS said, he was not convinced that the Amendment was wrong, because they ought to maintain in the future, as they had done in the past, a good Militia as a feeder to the Army; in fact, in past times it had always been termed the "nursery of the Army." He could remember the East Kent Militia furnishing a large number of volunteers for actual service, and nine-tenths of the Staffordshire Militia volunteering to join a battalion of the Guards in Holland. The Militia ought to be placed upon the same footing that it was in those times; but to do this efficiently they must avoid compulsory

service. The speech of the hon. Member for Hackney (Mr. Holms) was one of the most practical speeches on the subject that he had ever heard from a man who did not belong to the Army. Let the rustics know that they would be well off, and they would never have any need of compulsion to make men enter their Army. The Militia ought to be made a great nursery for the Army, and that could be done by making the service attractive. The men should receive good pay; and it was not for only three or four weeks that they should be called out. To call them out for such a short time was not merely absurd, but worse—it was corrupting these unhappy ragged young men. Then what sort of regimentals were served out to them? Did hon. Gentlemen ever see a Militiaman with his regimentals on? Of all the exhibitions that a smart military man could see, the most grotesque was a Militiaman who had recently got on his regimentals. The authorities began by giving them a worse and coarser cloth of a dirty brickdust colour, so that they always appeared as though they had been parading or exercising in a brickfield, and the consequence was that no Militiaman was ever proud of his regimentals. That might appear a small matter, but it was in reality of no trifling importance so far as the feelings of those men were concerned. Besides giving the Militiaman good pay, they should let him see that by joining the Army his pay would be adequate, his position and prospects improved, and that after a certain period of service he would get a pension; then they would find the Militia would become of service to the country. But, so far as he had observed, there was no scheme for pension in the plan of the Government. It was quite inconsistent with their Constitution, except in very great emergencies, to compel anyone, however humble, to serve in a military force. The instant they said they would have a Ballot, that instant some persons would have a right to reply—"Very well; but everyone, high or low, rich or poor, must be exposed to it, and no man shall purchase a substitute." That was the test that would try the sincerity of the great persons who said—"We must resort to the Ballot."

CAPTAIN BEAUMONT said, he must regret that this should have been the

first night on which an opportunity was given of really debating the question of Army organization. The longer the country considered the question the more confident did he feel that it would come to the conclusion that the Estimates for the Army would be increased when purchase was done away with. It would, in his opinion, have been far more satisfactory if the Government had come down to the House and laid before it a system of re-organization comprehensive as a whole, and which, further, would have had the effect of reducing the Estimates to a certain amount. Before the country had done with the system of purchase it would find that it would have to pay double the £8,000,000 which had been named as the cost of its abolition. The Government, he might add, had spoken of the question of re-organization as a matter the detail of which would be settled in the future. To that mode of proceeding he, for one, altogether demurred. The question of re-organization must, he contended, be dealt with in the first instance as a matter of principle, and it was impossible to consider details until the question of principle was decided; the views generally held divided themselves into three parts—first, those adopted in the War Office Bill of last year—practically to leave things as they were; secondly, the views of those who said the Militia, as a body, ought to be increased in efficiency; and thirdly, the view that he thought would recommend itself most strongly to the country, which was that every soldier should be a soldier in fact as well as in name, and he could be that only by passing through the ranks of the Regular Army. It was said, however, that to attain that object was extremely difficult, as it amounted to applying the Prussian system to this country without conscription. In his opinion it was possible to do so, and for this reason that they were fortunately blessed with so much wealth, that they could afford to pay money for the services of men such as no other nation could. The true course to take would be to give such attractions to the Army as would enable them to obtain men fit for the service, and as soon as that was done the introduction of the Prussian system—by which he meant passing all the men through the ranks of the Regular Army—might be accepted without recourse to conscription. As to the system of short service,

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it had not been fairly tried. The proper and cheapest way for the Government to proceed was, in his opinion, to trust for their defensive powers to a defensive force which would cost £15 a-man, rather than to a Regular Army which would cost £50 a-man. That he was, however, aware would involve a separate Army for India. He could not look upon the time which had been spent in discussing the Bill as wasted, and there was, he thought, a very strong relationship between the questions of purchase and re-organization. The principle of the abolition of purchase he accepted on the understanding that a comprehensive plan of re-organization would be introduced next Session. Indeed, he considered the Government were pledged to bring in then a real scheme of Army reform.

LORD GARLIES said, he very much regretted that such a great question as that should have been brought forward in the middle of the dinner hour. He could not say that he went as far as his hon. and gallant Friend the Member for Norwich (Sir William Russell) who had brought forward this Motion; but at the same time he thought that there was in this scheme the germs of what might be productive of great good to the country. He thought they were all agreed on the point that our military system would be the better for some re-organization. He had already recommended a scheme on this subject, and although he had received no support for it on his or the other side of the House, he was still vain enough to think not the less of it on that account. The misfortune of their military system now was, that there was too heterogeneous a scheme proposed by the Government for its regulation, and which failed to repair the great mistake committed in reducing the Army two years ago, before they had the nucleus of a Reserve force. The elements of their military system at present were, in his mind, sufficient — namely, the Regulars, the Militia, and the Volunteers. Now, he thought that the Militia force should not only be the nursery of the Line, but it should also be the receptacle of the Line, after the men had given a certain service in the latter. That was his former proposition, and, although it had not met with the support of the Committee, he was happy to see by an article in one of the leading

Captain Beaumont

journals of that morning that it now received some favour. ["Agreed, agreed!"] As the Government had thought proper to withdraw the enlistment portion of their scheme, he regretted that they did not bring forward some clauses having for their object to take advantage of the service of the men who had served for a certain time in the Army by embodying them in the Militia. The hon. and learned Gentleman the Member for Richmond (Sir Roundell Palmer) had accused the party on the Opposition side of the House for the course they had taken against this Bill, and expressed his regret that they had not taken a similar course to that they had followed in respect to the Irish Church and the Irish Land Bills. He (Lord Garlies) would tell the hon. and learned Gentleman that the reason why they had not acted in a similar manner during the discussions upon the two measures alluded to was because the Government had kept nothing back when proposing their Irish Church and the Irish Land schemes. If the right hon. Gentleman the Secretary of State for War and the Chancellor of the Exchequer had not played the parts of Ananias and Sapphira in their Army Bill, they would not have received the persistent opposition which they encountered to their present proposal. As for himself (Lord Garlies) he should ever glory in the part which he had been allowed to take in respect to this Bill; and if an appeal were to be now made to the country he should with confidence rely for the continued support of his constituents on the persistent and uncompromising opposition which he had given to this measure of Her Majesty's Government.

SIR JOHN PAKINGTON said, he wished to call attention to the somewhat peculiar position in which the Committee stood at that moment. The Amendment of the hon. and gallant Member for Norwich had special reference to the question of enlistment. He (Sir John Pakington) hoped he should not be considered out of Order if he asked the hon. and learned Member for Finsbury (Mr. W. M. Torrens) what course he intended to take in respect to his Amendment. The hon. and learned Member had brought forward a question of primary importance in regard to the organization of the Army. But, important as it was, the Government had given up

one-half of their Bill, including the enlistment part, and still called their measure an Army Organization Bill.

MR. CARDWELL said, he wished to interrupt the right hon. Baronet, in order to remind him of the correct designation of the Bill. It was an Army Regulation Bill.

SIR JOHN PAKINGTON said, he was willing to adopt that designation, and to call it an Army Regulation Bill. But the most important subject connected with the measure was that of enlistment. Upon that particular subject there were originally clauses introduced into the Bill by the Government; but all those they had subsequently withdrawn, and as the Bill now stood, there was not one word in it touching upon that great question of how the Army was to be constituted, and how it was to be recruited. Under these circumstances the hon. and learned Member for Finsbury stepped in with his Amendment in order to supply this extraordinary defect in the Bill—that Amendment laying down a principle as to how the enlistment for their Army was to be regulated hereafter. In the course of the discussion which took place the plans of the Government were criticized with much severity. But the Secretary for War made no reply. The discussion closed without any explanation on the part of the Government, except that contained in the speech of the right hon. Gentleman the Surveyor General of the Ordnance, who seemed to intimate the consent of the Government to the principle brought forward by a private Member, with a view to supply the deficiency in the Bill of the Government. Under these circumstances he hoped the hon. and gallant Member for Norwich would excuse him (Sir John Pakington) if he passed by for a moment his clause, for the purpose of asking the hon. and learned Member for Finsbury after what had passed on this important subject, and after the suggestion thrown out by the Surveyor General of the Ordnance, what course he intended to take under the peculiar circumstances of the question in reference to the Amendment which he had brought forward?

THE CHAIRMAN said, he must remind the right hon. Baronet that the question before the Committee then was the Amendment proposed by the hon. and gallant Member for Norwich, and

not the proposed clause of the hon. and learned Member for Finsbury.

MAJOR WALKER said, he was quite willing to admit that the proposal to amalgamate the Militia with the Regular Army appeared at first sight to be one of great advantage. But on looking further into the proposal, there arose great difficulties in connection with it. The proposal of the hon. and gallant Member for Norwich (Sir William Russell) was one fraught with much difficulty, for this reason—the amount of the population who would be found willing to devote itself to active military life was very limited. The supply of recruits was not materially influenced at first by pecuniary considerations. He did not therefore think that the proposal would materially increase the number of recruits. He had advocated a reform of our system regarding the Reserve forces; but with all its defects he thought it was a powerful engine for maintaining the supplies for our Regular Army. The real strength of the Militia service had never yet been tested though it had been shown, during the Crimean and Indian Campaigns, how strong and useful a force it might become. The Volunteers, beyond doubt, had thrown it into the shade, from which he believed that it was now emerging, probably in consequence of the countenance and support of the right hon. Gentleman the Secretary of State for War.

SIR WILLIAM RUSSELL said, that he had no desire to press the clause, as his principal object had been to bring the subject under the attention of the House. He hoped that by next Session the Government would be prepared to act on sound principles with regard to the subject.

Clause, by leave, *withdrawn*.

LORD ELCHO said, that he should not now propose the clause that stood in his name; but on the Report he should propose as an Amendment, that no soldier should be allowed to enter the Reserve force until he had completed his twenty-third year.

LORD GEORGE HAMILTON moved to insert a new Clause—(Militia places for arms, &c., not to be provided by justices of the peace.) He considered that as the Government had severed the connection between the Lords Lieutenant of counties and the Militia, it was

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fair that it should bear the burden of the expense of the military stores, which purpose he thought his proposition would effect, and thereby remove an element of discord from between the Justices of the Peace and the War Office. In the county of Middlesex the annual cost of the Militia storehouses was £2,000, and in Lancashire it was £1,383. It was desirable that all storehouses and barracks should be under one authority—namely, the War Office. Without further detaining the Committee he begged to move the clause of which he had given Notice.

New Clause (Militia places for arms, &c. not to be provided by justices of the peace,)—(*Lord George Hamilton*,)—*brought up*, and read the first time.

MR. F. STANLEY said, he should support the clause, which, he hoped, would receive the favourable consideration of the Government. At present, depôts of arms and stores were scattered over various parts of the country, and that would occasion much practical inconvenience if a concentration of troops should become necessary.

MR. CARDWELL said, that the point involved in the clause was pecuniarily a small one, yet it was well worthy of consideration; but in the present position of the whole question of local rating, he thought it undesirable to touch upon the mere fringe of it that was involved in the present proposal, and he hoped that the noble Lord would not object to allow it to stand over till the subject, as a whole, came to be considered by Parliament. He was not arguing against the proposal, but only reserved it for perfectly free and fair discussion at a future time.

SIR MASSEY LOPES said, he thought that they would never be in a stronger position to discuss this question than now, and he hoped that the clause of the noble Lord would be consented to by the House. The grievance of the Militia storehouses was that the burden of their maintenance was most unjust, and one that pressed heavily on the local rates, as the numerous Petitions that had been presented to Parliament proved. In Devonshire they had paid as much as £23,000 in the last 10 years for Militia storehouses, and at the rate of £1,000 per annum for the last three years. The Militia was to be a national force, and

Lord George Hamilton

for that reason he trusted that the noble Lord would persevere with the clause.

MR. NEWDEGATE said, he knew of no part of that Bill which better illustrated the embarrassing position in which the House was placed by the Bill than the very reasonable proposal which this clause contained. They had heard a great deal in the course of those discussions of the merits of the Prussian system, and they had been half given to understand that the Government had some idea of introducing that system to some extent into their new system for this country. Now, what was the primary characteristic of the Prussian system? That it was localized throughout. Whereas, the consequence of the proposals of the Government would be that the local connection of the Militia in its Staff and its elementary organization would be destroyed. If they passed through a Prussian district they would find that some one or other corps of the Prussian Army was raised specially from that district, and if they entered any of the principal towns or villages they would find the name of the corps, or of the regiment, with its Reserves of these posted up conspicuously; the officers of the corps were connected with the locality; each detachment in its respective locality had its own local commander over it, whether it was drawn into the active Army, or whether it formed a part of the Reserve. The great strength of the Prussian system consisted in this—that every locality had its own central military point, to which each branch of the local service could resort; whether it was to form part of the active Army or of the Reserves, the Landwehr or the Landsturm, all of which were locally connected with each other. Now, by that Bill of the Government, by thus severing the connection between the Militia and the Lords Lieutenant, who at present appointed the officers, they were asked to destroy the local influences which connected the Militia regiments with the several counties; throughout the whole of that measure the Government showed no regard whatever for locality in the arrangements, whether for the Militia or for the Regular Army; whilst, as he had said, localism was the very essence of the Prussian system, which had answered so well, and in praise of which they had heard so much in the course of those debates. If they

would have a centralized administration, they ought to draw the funds for its maintenance from the central source—the public Revenue. The further they proceeded in carrying out the system of centralization, the less should the burden rest upon local taxation. He was quite confident that the hon. Baronet the Member for South Devon (Sir Massey Lopes) represented the deliberate judgment of the ratepayers in what he had said. In the several counties they were all willing to assist in the provision of forces for the defence of the country; all were praying that the Government and Parliament, while respecting the local connection of the Militia, would take steps to improve and render efficient the discipline of that force; all were ready to contribute to that object; and he believed that nothing would be better calculated to improve the organization and spirit of the Army generally, than to attach to each particular county the regiment which bore its name for recruiting purposes, in the same manner as was done in Prussia. Nothing could be better than the establishment in England of the same relations between the Regular Army, the Militia, and the counties, on the same principle that in Prussia there existed a connection between each active regiment, each regiment of the Landwehr and of Landsturm with their particular district. Our ancient system was, in fact, analogous to that of Prussia; but if they were determined to break it up, if they were resolved, instead of imitating the German system, which had been so marvellously successful in the late war, to imitate the French, or create a mongrel system of their own, they could not be surprised if the counties—if the ratepayers of the counties—called upon them to undertake the expense of the system. Like the hon. Baronet the Member for South Devon, then, he objected to the period of suspense which was suggested; if the Government were about to take out of the hands of the counties, and out of the hands of the Lords Lieutenant of counties, all control over the Militia, he was unwilling that any period should intervene during which, having deprived the Lords Lieutenant of counties of such control, the Government should continue to dip their fingers into the county purse. That appeared to him to be an attempt to disguise the amount of taxation,

which by means of Imperial or local taxation the people of this country, and especially the owners of real property, were called upon to bear. He regretted, then, the course which the Government were pursuing, by the adoption of that system of centralization, without, as he considered, any corresponding advantage to discipline; and of that he was confident, that if the counties, through their Lords Lieutenant and Justices of the Peace, were to be deprived of all control over, and all share in providing for the defence of the country, they had a just claim to be relieved from the burden which the proposal of the Government would entail upon them.

MAJOR GENERAL SIR PERCY HERBERT said, there was a strong feeling that the Regular troops should be amalgamated to some extent with the Militia, and for that purpose barracks in every county would be necessary for the purpose of training the recruits of the Militia, and of getting rid of the odious system of billeting in publichouses. If that was admitted, it was discouraging to find that Her Majesty's Government, when the question of building barracks for the Militia was under consideration, proposed to defer the whole matter until they had legislated on the intricate subject of local taxation. He asked the Committee what chance there was of such legislation, and whether they did not think it trifling with the subject of Army regulation?

MR. HENLEY said, he hoped the Government would assent to the proposal of the noble Lord the Member for Middlesex (Lord George Hamilton). The expenditure had during several years very much increased, and had given rise to much dissatisfaction, both in counties and in boroughs, because the counties first laid out the money, and then called on the cities and boroughs to contribute their quota, they having no voice in the matter. That was not a pleasant state of things. It was more than likely that the new arrangements would involve an increased expenditure. The county rates were levied on one species of property alone; but the general defence of the country rendered it a fair matter that this expenditure should be discharged out of the national funds, more especially when it was remembered that the charge was likely to increase. We had put the counties to vast expense for

[Committee—New Clause.]

lunatic asylums and gaols. There were few counties that were not in debt for those purposes and for Militia barracks. He trusted that the Government would give this matter a favourable consideration, which would go far to remove some of the unpopularity of the measure.

MR. GLADSTONE said, the speech of the right hon. Gentleman the Secretary of State for War had not shown any indisposition to "look this question in the face," nor did he speak on the supposition of the hon. Baronet the Member for South Devon (Sir Massey Lopes), that the question of local taxation would be indefinitely postponed. On the contrary, that was one of the questions to which Parliament was anxious to apply itself at a very early period; though, if the subject of local taxation were to be postponed for any length of time, it might be very fair to demand that this question should be dealt with by itself in a special measure. The Government objected to the proposal of the noble Lord the Member for Middlesex (Lord George Hamilton), because it was not germane to the purpose of the Bill; but beyond that they had to consider whether this clause was sufficient for the purpose for which it was intended. To him it appeared that the clause did not deal adequately with the subject, for the contention of the noble Lord was that the charge for the Militia buildings should be transferred from the counties to the Consolidated Fund; yet that was not sufficiently met by the provisions of the clause, which absolved the Justices of the Peace from any obligation to provide buildings, but was ambiguous on the subject of maintaining existing ones, while it provided that those buildings should remain liable to the mortgage charges which had already been contracted. The clause, to be effectual, ought to provide for the transfer of the mortgage charges; but that could not be done by a stroke of the pen, and it was not in the power of the noble Lord to establish such a charge on the Consolidated Fund. That was a subject which would require much consideration; and, therefore, the Government thought the clause was premature in principle, as well as inadequate to carry out the object in view. The wiser course would be to refrain from introducing the clause into this Bill, reserving the

Mr. Henley

right to have it dealt with in a special measure, after there had been an opportunity for considering the question of local taxation.

LORD JOHN MANNERS said, he thought the clause was not premature in principle, for it having already been decided to remove all power over the Militia to the Crown, the demand to transfer the expense to the national funds was a necessary and a just corollary. With respect to the objection of the Premier that the clause did not go far enough, he would remind the right hon. Gentleman that if this clause were read a second time it would be competent to the Government to amend or add to it with a view to carry out its principle. He could not concur in the argument that his noble Friend ought to withdraw this clause, because the Government promised that in a future Session there should be a measure for altering the law of local taxation. Were the Committee so well satisfied with the general principles of the measure which the Government had already brought forward on that subject, that they would be willing to postpone the question now before them until a remote period, when some uncertain legislation might be attempted? This proposal was not the mere fringe of local taxation, but related to the military expenditure of the country, and he hoped the Committee would take a legitimate opportunity to carry into effect a change which was rendered just and necessary by a previous clause in the Bill. For that reason he hoped his noble Friend would press his Motion to a division.

COLONEL GILPIN said, he should support the clause, holding that, as the Militia was about to be amalgamated with the Regular force, it was only just that this charge should be met out of Imperial resources, and that this was the proper time for dealing with the matter.

MR. BRISTOWE said, that although he agreed in its principle, he thought the clause would be singularly out of place in that Bill as it now stood.

LORD GEORGE HAMILTON said, he had not brought forward the clause with any wish to prejudge the question of local taxation, but because the subject of Militia storehouses was one legitimately connected with an Army Regulation Bill. In answer to the observations of the Prime Minister, he might say that

his object in drawing the clause was to relieve Justices of the Peace of the obligation to provide Militia storehouses; and that accomplished, he would leave it to the Secretary of State, to whose functions it would properly belong, to make such other arrangements as might be necessary. By his clause no existing mortgage would be thrown on the Consolidated Fund.

COLONEL SYKES said, he must oppose the clause, as it would throw unexpectedly charges upon the Consolidated Fund which the Chancellor of the Exchequer would have to provide for.

SIR LAWRENCE PALK said, he thought if the Government were going to undertake the expenditure of the money, they ought to be responsible for providing it, and was of opinion that they ought to accept the clause. He hoped, however, they would not do so, because there would be an additional ground of complaint whenever the subject of local taxation came under discussion.

Motion made, and Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 174; Noes 176: Majority 2.

COLONEL GILPIN asked whether the Prime Minister would, after that division, persist in his opposition to the clause?

MR. GLADSTONE asked whether the hon. and gallant Member was aware that he was in a minority, and that the clause was beyond his control?

COLONEL GILPIN suggested that it might be brought up on the Report.

MR. GLADSTONE said, the reason he had given was conclusive against that course, and he believed the hon. and gallant Gentleman would himself think so.

MR. HENLEY said, he hoped that the Government would take the matter into consideration and put it fairly at rest. This particular clause might not be altogether satisfactory, but the division indicated the feeling of the House upon the spirit of the clause pretty clearly.

MR. GLADSTONE said, he could not give any pledge with respect to the present Bill, but he was perfectly willing to consider the matter.

House resumed.

Bill reported; as amended, to be considered upon Thursday.

CRIMINAL LAW AMENDMENT (VIOLENCE, THREATS, &c.) BILL.

LORDS' AMENDMENTS.

Lords Amendments considered.

Amendments, as far as the Amendment in page 2, line 11, read a second time, and agreed to.

MR. BRUCE said, only one of these Amendments was important. The House would remember that the great object of the Bill was to define the offences committed by any body of workmen more accurately than they were defined by the Act of George IV. The offence of molestation was a difficult one to define, but the principle adopted was that, under this head, there were offences which, without amounting to actual violence, were serious offences, exceeding the mere moral influence which one man might exert over another, even with reference to acts which society generally would not approve. The proposal of the Government was, that when one person with two or more others watched or beset a man's house, they should be subject to the penalties of the Act. The Amendment introduced in the other House left out the words "two or more," so that one man besetting or watching another with a view to coerce would now be subject to punishment. Now, he thought that Amendment infringed one of the main principles of the Bill. The Government held that in these trade disputes the masters might assert their rights and the workmen might assert theirs, inculcating their views or obtaining such information as they judged necessary, the law preventing anything like violence or intimidation. But the effect of the Amendment would be that any one man who stood at the door of any works for the purpose of ascertaining who were going to work there might be held to be there for the purpose of coercing other people. That was carrying the principle too far. As one person might be engaged in watching or seeking for information in a perfectly legitimate manner, he thought it would be better, instead of rejecting the Lords' Amendment, to amend it by inserting words providing that the commission of the offence referred to in the clause should be the act of more than one person before it became punishable. He therefore proposed to insert the words "with one or more persons."

Page 2, line 11, leave out "with two or more persons," the next Amendment, read a second time.

MR. GATHORNE HARDY said, he wished to be understood to represent the interests of law and justice rather than the interest of any particular class in this matter. The question was one of moral or immoral persuasion, and he maintained that if the persuasion were immoral, it was quite as culpable for one person as it was for two. The man who, representing a large body of men, stood at the door of a manufactory, and said anything which had the effect of preventing a workman from going in to begin his labour there—anything which led him to suppose that serious detriment to his interests would ensue if he started work, such an intimidator was as much guilty and as punishable as if he were accompanied by a number of persons. He therefore contended that the Lords' Amendment was one founded on sound reason.

MR. MELLY said, these measures had been thankfully received throughout the country, and he hoped that in the interest of the persons concerned, the compromise of the right hon. Gentleman the Home Secretary would be approved by the House.

MR. ASSHETON CROSS said, the question being, whether it was an offence for one person alone to watch another person, with a view to coerce him, it was clear if a workman did that he was guilty of molestation, for the discussion turned on the meaning of the word "molest." It was not simply a question as to one person or more watching, but the offence consisted in the intent to coerce; and such an offence was undoubtedly to be punished whatever might be the number of men offending, for the effect was just the same upon the mind of the workman watched. The Lords' Amendment ought not, therefore, to be amended.

MR. MONK said, he must suggest that in consequence of the form in which the Bill had been sent down from the other House it would be necessary, as a matter of Order, to disagree to the Lords' Amendment before the proposed compromise of the Home Secretary could be considered.

MR. SPEAKER stated that that view of the question of Order was correct.

MR. T. HUGHES said, he would remind the House that just as picketing existed among the workmen, black lists were resorted to by the masters, as was proved before the Trades Union Commission. ["No, no!"] Hon Gentlemen said "No;" but if the practice was not universal it was very general, and masters sent round the names of workmen, with the request that they should not be employed. That was a practice that no legislation could hinder, and as long as that was the case the workmen would feel deeply grieved if they were dealt with in any unequal spirit. The working men already did not consider these Bills a great boon, and any good they possessed would be frustrated if they were deprived of the power of resisting their employers in the case of a lock-out.

MR. STEPHEN CAVE said, his hon. and learned Friend who had just sat down (Mr. T. Hughes) was rather mistaken as to the point in dispute, for if his reasoning were correct, it would prove that the clause, instead of being amended, should be entirely omitted. The object of the clause was to defend not the capitalist, but the working men from their fellows who wanted to coerce them. If the clause was left in its original state coercion would never be prevented. The managers of trades unions were not wanting in acuteness. If it were illegal for three persons to carry on picketing there would never be more than two. If it were illegal for two, there would be only one. It was necessary, therefore, to prohibit it altogether, and if the Lords' Amendment was adopted, an effective check would be brought into operation.

MR. M'LAREN said, he quite approved of the Lords' Amendment, and he did so in the interests of the working men themselves. It seemed to be assumed that the trades unions were the entire people of England; but surely the non-unionists had a right to be protected, and it would be unfair to give the unionist an advantage over them.

LORD ELCHO said, he agreed with his hon. Friend the Member for Edinburgh. But he was also bound to confirm what was said by his hon. and learned Friend (Mr. T. Hughes), that the evidence taken before the Commission proved that black lists were sometimes sent round, a practice which it would be desirable, if possible, to repress. He

hoped the House would, in the interests not of capital, but of free labour, not allow picketing in any form, for what was termed the moral suasion of picketing meant nothing more nor less than the moral suasion of the sentry who stood at the door with a musket in his hand. At a meeting over which he presided, Mr. Lucraft stated that the proportion of unionists to non-unionists was as 1 to 17, and therefore the mass of the labour classes were not in trades unions, and it was the duty of that House to maintain freedom of labour by affirming the Lords' Amendment.

MR. W. E. FORSTER said, that because he considered the interests of all working men, and not merely of trades unions, quite as much as the noble Lord who had just spoken (Lord Elcho), he was anxious that the House should not accept the Lords' Amendment. He agreed that the actual trades unionists formed the small minority of working men, but a very large number of artisans sympathized with trades unionists, and many of them believed that it was by trades unions that they obtained protection in disputes between labour and capital; so that unjust or unfair legislation with regard to trades unions would be interpreted by the general body of working men as being antagonistic to themselves. He was interested in this subject not merely as a Member of the Government or of the House, but as a master manufacturer; and he believed nothing could be less to the interests of the latter than the adoption of that Amendment. The actual standing of a man where he had a right to stand was in itself an innocent act, and, therefore, they should not declare it illegal, because other acts might follow which ought to be put down with a strong hand. To take such a course would convey an impression that they were legislating for their own class; and, as the administration of the law would be mainly with the employers, he did not think those persons should be placed in the difficult position of interpreting the Amendment.

MR. HORNBY indignantly denied that the black lists were used by employers in Lancashire, as stated by the hon. and learned Member for Frome (Mr. T. Hughes).

MR. T. HUGHES said, he would undertake to bring the hon. Gentleman

half a dozen "black lists" in the morning.

MR. MUNDELLA said, it was not in the textile trades, but in the building, engineering, and colliery businesses that black lists among employers had prevailed. If the trades unionists, 700,000 skilled labourers, were a minority; non-unionists stood behind them, supported them, and derived advantage from their organization; and the net total of 700,000 would not bear multiplication by 17 to arrive at the number of labourers, skilled and unskilled, which the country contained. By placing a man at the door of a factory unionists obtained information as to the extent to which they were being superseded, and that information was likely to lead them to give in. There could be no terrorism in one man looking in at a workshop; but he (Mr. Mundella) would, if possible, put a stop to the watching of private houses. The clause would be severe enough as the Home Secretary proposed to amend it.

VISCOUNT GALWAY said, this question related principally to rattening such as was carried on in Sheffield; and was intended to stop the practice. He objected to one class of men preventing others from working at less prices than they worked for themselves.

MR. ALDERMAN W. LAWRENCE said, he must protest against the charge that had been made by the hon. and learned Member for Frome (Mr. T. Hughes), and the hon. Member for Sheffield (Mr. Mundella), that black lists were confined to the building trade. He unhesitatingly stated that it was contrary to the fact. He never saw a black list, and he never knew a master in the trade who had seen one. It had never been charged by the workmen against the masters in the Metropolis that even such a thing had existed.

MR. HERMON said, he had but one object in view, and that was to do justice to both sides. He suggested that instead of rejecting the Lords' Amendment, they should accept it, upon the understanding that it should be made penal on the part of the manufacturers and employers of labour to use a black list. He would rather see two or three persons watching his premises than one person.

MR. J. B. POTTER said, the question was whether picketing could be effectually done with one man, and if so,

it was equally injurious to the employer whether it was done by one or two. The question was whether the majority were to be tyrannized over by a minority. If the great majority of trades had a little more firmness and moral courage trades unions would soon cease to exist.

MR. ANDERSON said, there was great difficulty in proving the black list, but none in proving picketing. The House had already decided that two or more persons should be engaged in picketing to make it illegal, but the Lords had struck it out, and since then the working men had offered a compromise by its being confined to one or two.

MR. WINTERBOTHAM said, he must remind the House that they were then engaged in considering a very penal statute. It was not unfair to remind the House that the feeling likely to operate on hon. Members' speeches was rather the feeling of capitalists than of labour. The law was made by men whose sympathies were in that direction, and it would be enforced by men belonging to the same class. But they had to consider what would be the feeling of the class who would be affected by the law—the working classes, or, at least, the unionists.

MR. RUSSELL GURNEY said, he would suggest that where the house of a workman was watched the offence should be completed by the act of one man; but that where the watching took place at a factory or workshop, the presence of two should be required to constitute the offence.

MR. C. TURNER said, that everyone acquainted with a manufacturing district knew that the object of picketing was to intimidate. He thought it was the duty of the House to prevent that criminal act.

MR. FIELDEN, as a large manufacturer and a member of a firm which had never had a dispute with its workmen, bore testimony to the tyranny exercised by workmen over their fellows, especially in respect of those rules by which the union obliged the masters to give to all workmen, competent as well as incompetent, the same wages.

MR. BRUCE, on the part of the Government, said, he would accept the suggestion of the right hon. and learned Gentleman the Recorder, that one person watching the dwelling of a workman should be a crime under the Act, but

Mr. J. B. Potter

that at the doors of a manufactory the watch should consist of more than one to be penal.

MR. ILLINGWORTH hoped that the Lords' Amendment would be agreed to by the House.

Motion made, and Question, "That this House doth agree with the Lords in the said Amendment," put, and *agreed to*.

MR. BRUCE then moved the Amendment which he had just described.

Consequential Amendment proposed,

To insert after the word "House," in page 2, line 12, the words "where such person resides, or the approach to such house, or if with one or more other persons he watch or beset the place where such person works or carries on business, or the approach to such place, or follow such person in a disorderly manner, in or through any street or road."—(*Mr. Secretary Bruce.*)

Question put, "That those words be there inserted."

The House *divided*:—Ayes 97; Noes 147: Majority 30.

Subsequent Amendments *agreed to*.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, 20th June, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Life Assurance Companies Act (1870) Amendment* (195).

Second Reading—Oyster and Mussel Fisheries Supplemental (No. 2)* (183); Pier and Harbour Orders Confirmation (No. 2)* (183); Metropolitan Commons Supplemental (No. 2)* (174); Land Drainage Supplemental* (175); Poor Law (Provisional Orders Confirmation)* (163); Drainage and Improvement of Lands (Ireland) Supplemental* (172); Police Courts (Metropolis)* (125); Petroleum* (189).

Second Reading—Referred to Select Committees—Locomotives (130); Burial Grounds (181).

Report—Betting (129); Gasworks Clauses Act (1847) Amendment (No. 2)* (192).

Third Reading—Charters (Colleges) (93); Pier and Harbour Orders Confirmation (No. 1)* (127); Lunacy Regulation Amendment (171), and *passed*; Landlord and Tenant (Ireland) Act, 1870, Amendment (193), *debate adjourned*.

LOCOMOTIVES BILL—(No. 130.)

(The Earl of Dunmore.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DUNMORE, in moving that the Bill be now read the second time, said, that the object of the measure was to consolidate the law regulating the use of locomotives on roads. For this purpose it proposed to repeal and to re-enact with modifications "The Locomotives Act, 1861" and "The Locomotives Act, 1865." The principal modifications were these. It substituted an entirely new scale of tolls to be taken after the passing of this Act; it established new regulations as to the weight and size of locomotives, the breadth of the wheels, and the weight to be placed on each pair; and it provided new rules for the manner of working locomotives on turnpike roads and highways. By the Act of 1865 it was provided that three persons should accompany every road steamer; that one of them should precede it by at least 60 yards, displaying a red flag; and that the speed should not exceed four miles an hour in the country, and two miles an hour in towns and villages. Those restrictions were very inconvenient—the man with the red flag was a positive nuisance, frightening horses which might otherwise pass the steamer quietly. This Bill enacted that two persons should be required to work each locomotive, and if more than two waggons were attached, an additional person should be employed. The man with the red flag was abolished. The usual pace of drays and vans was three or four miles an hour, and the Bill proposed that locomotives should be allowed the pace of four miles in towns and villages and eight miles in the country. The present crawling pace generated an excess of steam in the boilers, the discharge of which occasioned much noise. In towns the local authorities would be able to impose what restrictions they chose on locomotives running within their area, and he did not suppose that the actual speed on country roads would exceed five or six miles. Traction engines had been much improved since the existing Acts were passed, and great benefit would accrue to traders and the public from their becoming a substitute for horse labour, which was very expensive.

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Coalmasters, moreover, were sometimes unable to undertake contracts on account of the insufficient supply of railway trucks. In one case a coalowner lost a contract for 30,000 tons of coals for want of the assistance afforded by steam traction engines. It had been proved that steam omnibuses were practicable, an experiment made in Paris last year being highly successful. The engines there run at the rate of 10 miles an hour without occasioning any inconvenience. They had also been recently tried at Edinburgh, and with success; and they would open up communications with places at some distance from a railway, in cases where a branch line would be too costly to be remunerative.

Moved, "That the Bill be now read 2^a."
—(The Earl of Dunmore.)

THE EARL OF MORLEY said, he was unwilling to oppose the second reading; but considering the important questions it involved, he would suggest that it should be referred to a Select Committee. He agreed with the noble Earl that the man with the red flag was more likely to frighten horses than to act as a safeguard. Captain Tyler, of the Board of Trade, had drawn up a Report on the subject which was generally favourable to the Bill, while recommending certain safeguards. The increased speed now proposed would greatly increase the number of locomotives; but many points would require consideration, such as the tolls, for these steamers caused damage to roads, and turnpikes were likely to be abolished. He therefore hoped the noble Earl would assent to his proposal.

LORD KINNAIRD urged the noble Earl to accept the suggestion. With regard to damage which steamers might do, his experience showed that their broad wheels rather tended to improve the roads over which they passed by acting as rollers; in fact, they did less damage than a horse.

THE EARL OF KIMBERLEY said, his experience was exactly the reverse of that of the noble Lord. He had often heard grievous complaints of the utter ruin traction engines wrought on the roads, though he admitted that the wheels might possibly be so adapted as to prevent the damage complained of.

EARL GREY supported the Bill, remarking that steam ploughs, which caused a much greater nuisance than

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road steamers, were subject to no restrictions. He looked forward to ploughs as well as carts and waggons being drawn by these steamers; and if the Bill, after reference to a Select Committee, did not pass this Session, he hoped the House would refuse to renew the existing Act.

Motion *agreed to*; Bill read 2^a accordingly, and referred to a Select Committee.

And, on Thursday, June 22, the Lords following were named of the Committee:—

D. Northumberland.	L. Elphinstone.
E. Kellie.	L. Vernon.
E. Radnor.	L. Rossie.
E. Carnarvon.	L. Dunmore.
E. Grey.	L. Barrogill.
E. Morley.	L. Monck.

And, on June 23, The Earl Cowper and The Lord Ravensworth *added*.

BURIAL GROUNDS BILL—(No. 181.)

(*The Earl Beauchamp.*)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, said, he had introduced this Bill with the object of preventing those acerbities of feeling which too often arose between the Dissenters and the members of the Church of England at a moment when such feelings were peculiarly undesirable. On the one hand the Dissenters were apt to demand what they were not entitled to by law, and on the other the clergyman was too desirous of ignoring the rights to which his Dissenting brethren were undoubtedly entitled. It was the undoubted right of every parishioner to be buried in the parish churchyard. The Bill consisted of two provisions only. In the first place, it enacted that any parishioner not entitled to burial according to the rites of the Church of England may be interred in the churchyard of the parish without the Burial Service of the Church, provided notice shall have been given to the officiating minister of the parish. The other enactment was, that on the application of any three ratepayers within a Poor Law Union to the Secretary of State, the latter may require the Board of Guardians to provide one or more burial grounds for the burial of persons with rites and ceremonies other than those of the Church of England.

Moved, "That the Bill be now read 2^a."
—(*The Earl Beauchamp.*)

Earl Grey

THE EARL OF MORLEY said, he must oppose the Bill, which appeared to have been very hastily drawn. The first clause enacted that any person not entitled to burial according to the rites of the Church of England might be buried in the churchyard, provided notice were given to the clergyman; but as the clergyman was to have no power of refusal, no purpose would be served by the notice. The 2nd clause would enable any three discontented ratepayers to induce the Home Secretary to compel a Board of Guardians, without consulting the ratepayers, to provide a burial ground, in which persons might be buried with rites and ceremonies other than those of the Church of England. No provision was made that the ratepayers should be consulted, as was the case in every other parochial proceeding—in fact, so far as the Bill went, they were to have no voice in the matter. He thought he had said enough to satisfy their Lordships that the Bill ought not to be read a second time.

THE MARQUESS OF SALISBURY regretted to hear the noble Earl dispose of the Bill in so exceedingly summary a manner. No doubt the question it dealt with was one of serious difficulty. On the one hand there was the profound objection of the clergy of the Church of England—and, indeed, of the laity also—to services other than that of the Church of England within the churchyard; while, on the other hand, Dissenters in some places suffered under a practical grievance in not being allowed to bury their dead in the churchyard with their own services, while they were not provided with any other place where they could do so. It was a matter, therefore, of some importance to find a middle term between these exigencies, and to remedy a real grievance while avowing the embarrassment of protracted controversy. Therefore, he approved of the Bill generally; but the clauses required the addition of some safeguards by the Committee. As to the 1st, he was sure it was never intended to permit processions and orations within the churchyard; and as to the 2nd, he thought it would be sufficient to give authority, at the expense of those who desired it, to purchase under the Lands Clauses Act land for burial grounds in parishes where burial grounds for Dissenters could not be found without such

power. In Committee the clauses might be altered so as to be acceptable to the Government; and, considering that they were not likely to settle the question themselves at present, it was scarcely right that they should so cavalierly refuse to entertain the Bill.

LORD PORTMAN objected to any measure which would increase local taxation, and especially to the proposition that any three ratepayers of the Union should be enabled to move the Secretary of State to impose such an expenditure on the Union. A Select Committee on the question might be desirable, or their Lordships might wait for a Bill to come up from the other House, where the matter had been much discussed.

THE BISHOP OF WINCHESTER agreed with the noble Marquess (the Marquess of Salisbury) that this was a very grave question. It was much better that their Lordships should endeavour to adjust the question by independent action, meeting the reasonable object both of the Dissenters and of those who upheld the rights of the Church of England, than that they should wait for the Bill, which had been for a long time struggling to get through the other House, and which when it did come up might be found to contain provisions which could not be granted, but the rejection of which would be invidious. He agreed with the noble Marquess that some Bill should be introduced to meet the reasonable desires of Dissenters, and prevent that irritation which might be difficult to allay by legislation. It was a great hardship to those who dissented from the Church of England, and who objected to the services used by the Church over the dead, that they should be in any way compelled, as the condition of a parishioner's right to be buried in the churchyard, to have that service read at the burial. They ought to remove as much as possible everything which savoured of those unhappy divisions which at present existed. If he were a conscientious Dissenter, and disapproved of the Burial Service of the Church of England, he should feel it a hard thing to be obliged, on bearing the body of his child to its last resting place, to have a service read of which he disapproved, and which was repugnant to his feelings. The Dissenters had a real grievance, which it was the duty of

Parliament to redress. On the other hand, to allow services to be read in the churchyard different to that of the Church of England would be an absolute violation of the principle of an Established Church, and would undoubtedly lead to the most painful opposition, hostility, and acerbity at the very moment when all parties should wish to exclude them. It would make the churchyard the arena of acrimonious contests, and would give persons who denied the existence of a future state the opportunity of declaring that the deceased had ceased to be, and that they did not indulge the vain dream of a resurrection. The noble Earl's Bill would not meet the difficulty, for Unions might extend over many miles, and Dissenters being frequently the poorest part of the population, it would not be right to tell them they could bury their dead in their own way at a place 12 miles off. Probably the best way of meeting the difficulty would be that the acquisition of separate grounds in parishes should be facilitated, and landowners whose estates were strictly entailed might be allowed on such and such terms to grant a small piece of ground for the use of Dissenting communities. This would be a great relief. He did not want to rigidly enforce the rules of the Church of England, but to make liberal allowance for those who did not wish for its service. He thought that when the deceased before death, or his friends after it, objected to the Church service, he should be entitled to honourable and reverential burial in the churchyard, with no service in the churchyard, after whatever service they pleased in their own place of worship before entering the churchyard. A Select Committee might devise a scheme which would prevent their Lordships being troubled another Session with a question likely to excite acrimonious feeling.

EARL BEAUCHAMP said, all he sought was to remove an admitted evil in the speediest and most satisfactory way possible. He had no objection to the reference of the Bill to a Select Committee.

THE DUKE OF CLEVELAND said, all their Lordships must desire that this question should be settled; but he doubted if the Bill would cure the evil it was intended to deal with. He thought the general feeling of their

Lordships was that this Bill could not be accepted; but he hoped the Government would assent to the course proposed, in order that a measure might be devised which would remedy the existing grievance without being open to the objections to which the Bill was at present open.

THE EARL OF MORLEY said, he should be happy to assent to the proposal on the part of Her Majesty's Government, in the earnest hope that this question, which had given rise to such deep feeling, might be settled in some satisfactory manner.

LORD PORTMAN objected to the Bill being referred to a Select Committee.

THE EARL OF MORLEY explained that what he had meant to assent to was the reference of the subject, not of the Bill, to a Select Committee. The Government could not in any case be regarded as pledged to support the provisions of the Bill.

THE DUKE OF SOMERSET said, he thought it would be better to go to a Select Committee on the recital, whether it was expedient to amend the law of burial in England and Wales, and not hamper themselves with the clauses by reading the Bill a second time, but leave it to the Select Committee to devise a plan that might be acceptable to both sides of the House.

THE DUKE OF RICHMOND, for the reasons given by the noble Duke (the Duke of Cleveland), hoped their Lordships would give the measure a second reading. As the noble Duke had said, their Lordships objected to both the two operative clauses of the Bill, and therefore there was nothing left to be laid before the Select Committee but the Preamble of the Bill—namely, "whereas it is expedient to amend the law of burials in England and Wales." Now, it was because he thought it was expedient to amend the law of burials that he wanted their Lordships to assent to the second reading. Unless they were agreed as far as that went, there would be nothing at all to go before a Select Committee.

EARL GRANVILLE believed there was a general agreement among their Lordships as to the object to be attained. It seemed to be thought that while that Bill was not one which the House should adopt, the question to which it related was one that it was desirable to

endeavour to settle. The case might, perhaps, be met by referring the Bill at once to a Select Committee.

LORD REDESDALE said, the Bill could not be committed until it had been read the second time.

Motion agreed to; Bill read 2^d accordingly, and referred to a Select Committee.

And, on Tuesday, June 27, the Lords following were named of the Committee:—

D. Somerset.	E. Morley.
D. Cleveland.	E. Beauchamp.
M. Salisbury.	V. Eversley.
M. Bristol.	L. Bp. Winchester.
E. Airlie.	L. Boyle.
E. Dartmouth.	L. Belper.
E. Carnarvon.	L. Lyveden.
E. Nelson.	L. Westbury.

CHARTERS (COLLEGES) BILL.—(No. 78.) (The Lord Privy Seal.)

THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^d."
—(The Lord Privy Seal.)

LORD REDESDALE said, the Bill provided that in case of the grant of any charter for the foundation of any college or University, a copy of such charter shall be laid before Parliament for not less than 30 days before it was presented to Her Majesty for signature, and that during that period either House might present an Address to Her Majesty praying her to withhold her signature. Now, this was not only an invasion of the prerogative of the Crown, but was directly opposed to the grounds on which the Government resisted the Amendments of his noble Friend near him (the Marquess of Salisbury) on the University Tests Bill. He was surprised that any Government should have introduced such a measure as this.

VISCOUNT HALIFAX defended the Government in bringing in this Bill, pointing out that there was a great distinction between the proposal of the University Tests Bill and the principle of the present Bill.

THE MARQUESS OF SALISBURY said, the state of legislation on this subject stood thus:—The fellows of colleges were considered sufficiently trustworthy to be entitled to alter or modify their charters to any extent without the consent of Parliament; but the Crown was thought so inferior to fellows of colleges, and so utterly untrustworthy, that secu-

The Duke of Cleveland

rities were required in regard to the action of the Crown, which were considered superfluous and ridiculous in regard to the action of the colleges. This was a curious position to which the various exigencies of sectarian animosity had driven Her Majesty's Government. He sympathized with the Government in having to swallow so many contradictions; but that was one of the penalties attached to holding office by the consent of a somewhat unruly party. The present Bill was not only objectionable as derogating from the prerogative of the Crown, but as a singularly useless piece of legislation, the only result of which would be to make trustees more commonly used than charters.

THE LORD CHANCELLOR said, there was a wide difference between the case of the fellows of colleges under the University Tests Bill and the position of the Crown under this Bill. No analogy could be drawn between them.

Motion agreed to; Bill read 3^d accordingly with the Amendments, and passed, and sent to the Commons.

LUNACY REGULATION AMENDMENT
BILL—(No. 171.)—(*The Lord Chancellor.*)
THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^d."
—(*The Lord Chancellor.*)

LORD CAIRNS said, he looked upon the Bill as a somewhat dangerous measure, inasmuch as it would make a new class of persons the subjects of lunacy jurisdiction. It proposed that "persons of weak mind" should be brought within the jurisdiction of the Lord Chancellor. The term "person of weak mind" was very vague and indefinite, and was not made much more certain by the definition. Neither was there any indication of who might originate proceedings in lunacy against a "person of weak mind." The Bill merely provided "that on a petition presented in a summary manner," the Lord Chancellor might make an order. This might lead to very improper proceedings. The jurisdiction which was to be created by the Bill was one altogether unknown in this country, and he trusted that his noble and learned Friend would pause before carrying into effect a measure of this nature.

THE LORD CHANCELLOR said, he was somewhat surprised at the objection

raised by his noble and learned Friend, because until this moment he had not the slightest idea that his noble and learned Friend viewed the measure unfavourably. The provisions contained in the Bill were, he believed, much needed in those cases where a man, though not actually insane, was physically and mentally incapable of managing his own affairs; and as the powers conferred were surrounded by ample safeguards, he trusted that his noble and learned Friend would not press his objection.

Motion agreed to; Bill read 3^d accordingly, and passed, and sent to the Commons.

LANDLORD AND TENANT (IRELAND) ACT
(1870) AMENDMENT BILL.

(*The Lord Cairns.*)

(Nos. 185, 193.) THIRD READING.

Order of the Day for the Third Reading, read.

Moved, "That the Bill be now read 3^d."
—(*The Lord Cairns.*)

LORD GREVILLE said, the object of the measure was to resolve some doubts in regard to the Landlord and Tenant Act, which had been raised by a recent judgment of a Lord Justice of Appeal, and had been hastily introduced and pressed through its stages with great rapidity. But as there was an important point affecting the conveyance of property in regard to the Ulster custom, on which it was desirable to take legal opinion, he hoped the noble and learned Lord who had charge of the Bill (Lord Cairns) would postpone the third reading for a day or two.

LORD CAIRNS said, that under the circumstances stated he would not object to postpone the third reading.

LORD ORANMORE AND BROWNE confessed to a feeling of anxiety from the course adopted with reference to this Bill. The Judges appointed to carry out the provisions of the Irish Land Act were not, as was the case with the other Judges, paid fixed salaries. Beyond question the Judges of this Court would carry out the law with the same independence as the other Judges of the land; yet as this state of things was calculated to create an impression in the public mind that they would lean to the wishes of the Government rather more than to the dictates of strict justice, he

maintained that it ought to be corrected. The Bill, moreover, would leave the purchaser in doubt, and would place him in a worse position than the present owner. With regard to the power of advancing money to tenants to purchase their farms, he was of opinion that, instead of the power given under the 40th clause of the Land Act, it would be better to advance to tenants nine-tenths of the amounts necessary, and to limit the purchase to be given to 19 years. By this means the tenant would pay as interest the same amount he now paid in the form of rent, and every year he would approach more nearly the time when he would become the owner of the farm he occupied.

LORD CAIRNS suggested that the debate should be postponed until Friday next.

Further debate on the said Motion adjourned to *Friday* next.

ENDOWED SCHOOLS.

MOTION FOR A RETURN.

LORD BUCKHURST moved, That there be laid before the House a Copy of the List of Endowed Schools which it is proposed to include in the Scheme of the Endowed Schools Commissioners, to be submitted during the present year. Those schemes had so widely departed from what was contemplated that they had caused a wide-spread feeling of alarm. The large schools coming under the notice of the Commissioners might have ample time to consider their position when the scheme for their re-organization was submitted to them, and had the power of appealing. But the large number of small schools—those with incomes not exceeding £100 a-year—would have no appeal at all. It was in order that their Lordships might have information what schools the Commissioners proposed to deal with that he moved for this Return. Mr. Forster had stated in “another place” that he could point out several most excellent schools which were discovered in the course of their inquiry, and that objections to the Bill he was then about to introduce did not come from the bad, but from the good schools. “Now,” said Mr. Forster, “I wish to assure them it is not for the good schools the Bill is intended, though we cannot, of course, exempt such schools by name.”

Lord Oranmore and Browne

According to its Preamble the Endowed Schools Act was passed with the object of providing for the greater efficiency of schools, and of carrying into effect the main designs of the founders thereof by putting within the reach of all classes a liberal education. These, however, were not the principles on which the Commissioners proposed to act.

Moved that there be laid before this House, Copy of the List of Endowed Schools which it is proposed to include in the Scheme of the Endowed School Commissioners to be submitted during the present year.—(*The Lord Buckhurst.*)

EARL DE GREY AND RIPON said, their Lordships would see that it was impossible he could accede to the Motion, because, in the first place, there was, as a matter of fact, no list in existence of the endowed schools which it was proposed to include in the scheme of the Endowed Schools Commissioners to be submitted during the present year: and secondly, it would be impossible for the Endowed Schools Commissioners to say, either now or at the beginning of the Session, what were the schools in regard to which they proposed to frame schemes. That, indeed, would depend, among other things, whether the schemes were appealed against under the provisions of the Act: it would also depend on the length of time over which the correspondence between the Commissioners and the persons interested in the localities might extend. All the schemes were under the provisions of the Act, and as the Commissioners placed themselves in the fullest communication with all persons interested in the localities, it was impossible to say what length of time might elapse before the Commissioners were in a position to place any particular scheme on the Table of the House. Consequently, it would be an impossibility to make out such a list as the noble Lord (Lord Buckhurst) had moved for. The noble Lord had said that his main objection had reference to the danger to which small endowments were exposed. Now, he would remind their Lordships that under the provisions of the Act all schemes, whether relating to large or to small endowments, had to be laid before both Houses of Parliament. That which the persons interested in small endowments were deprived of, and which large endowments possessed, was the right of appeal in the shape in which it was given by the

clauses of the Act; but every person interested in a small endowment, though he had not the right of appealing in the manner provided by the Act, had the most perfect right and opportunity of appealing in the ordinary, but not in the legal, sense of the word to the Education Department of the Privy Council. Neither his right hon. Friend (Mr. W. E. Forster) nor himself would dream for a moment of disregarding any such representation which might be made to them. Therefore, all that the small endowments were deprived of was the technical right of legal appeal:—which, he might remark, involved a considerable amount of expense. As all these schemes would lie on the Table of the House for 40 days, and as everybody interested in them would have a right to appeal personally to the Commissioners, then to the Education Department, and after that to every Member of this and of the other House of Parliament, he did not think any additional security would be afforded to them by the sort of anticipatory notice of the schemes which were being considered by the Commissioners. He wished to make one remark with respect to what fell from the noble Lord in reference to the operations of the Endowed Schools Commissioners. The noble Lord had said that the proceedings of the Commissioners were, in his opinion, inconsistent with the understanding on which the Endowed Schools Act was passed. It was impossible to reply to general objections of that kind; but if the noble Lord would, on the occasion of any particular scheme being considered in that House, repeat that statement, and prove its correctness in regard to that scheme, he should be perfectly prepared to discuss the question fairly with the noble Lord. He could only say that, whatever might be the individual opinions of the Commissioners, he was confident they felt it to be their bounden duty to act strictly in accordance with the provisions of the Act of Parliament; and that where their opinions did not coincide with the Act they would, from their high character, carry out the wishes of the Legislature in preference to their own.

THE MARQUESS OF SALISBURY thought that if the noble Earl (Earl de Grey and Ripon) had been in his place in that House some weeks ago, and not in America, he would not have thrown out the present challenge to his noble

Friend. He (the Marquess of Salisbury) did state in that House that Mr. Forster had said that those schools which were not ill-managed endowments had nothing to fear from the operation of the Act; but it would, he believed, be very easy to show, on a future occasion, that endowments had been dealt with by the Endowed Schools Commissioners which did not come under the designation of ill-managed endowments. He did not rise for the purpose of provoking a discussion now, as that would be to anticipate the Notice he had placed on the Paper; but he wished to make an appeal to his noble Friend with regard to the notice given to these small endowments. It might seem very exacting to say so; but the truth was that the period of 40 days given by the Act to appeal to that House was practically in many cases very much abridged. In the first place, the Endowed Schools Commissioners laid schemes on the Table before they were in print, the result being that of the precious 40 days a considerable number passed away before the schemes became public and were brought under their Lordships' consideration. Thus the Emanuel School scheme was kept unprinted for eight days, during which time their Lordships did not know exactly what it was. This was one inconvenience, and there were other inconveniences attending the notice given to the Houses of Parliament. Indeed, it often was almost impossible for these small endowments to put themselves in motion till the time had passed when, according to the ordinary practice of the two Houses, a day could be named for discussion. Therefore, he thought it but fair that some notice should be given to the smaller endowments that they were in the list of proscriptions laid on the Table by the Endowed Schools Commissioners. If the Commissioners would make out a list of the endowments with which they intended to deal, and if his noble Friend would allow such list to be published, it would be a very considerable convenience. This was the suggestion he had to make as an alternative suggestion to that of his noble Friend who had brought forward the present Motion.

EARL DE GREY AND RIPON promised to consider the suggestion respecting the printing of the schemes; and in regard to the other suggestion of the noble Marquess pointed out that every

endowment had an individual notice of at least three months.

LORD LYTTTELTON said, the schemes came in one by one, and it was impossible to state at what precise time a particular scheme would be laid before Parliament.

LORD BUCKHURST, in withdrawing his Motion, said, he thought a list of all the schools which were to come under consideration should be supplied.

LORD LYTTTELTON said, a list would be found in the Report of the Endowed Schools Commissioners.

Motion (by Leave of the House) *withdrawn.*

TREATY OF WASHINGTON.—QUESTION.

LORD CAIRNS rose to ask the Secretary of State for Foreign Affairs, Why the date of the 9th April 1865, was inserted in the Washington Treaty as the limit of time for British claims; and what is to be done as to claims arising from occurrences after that date, and before the termination of the American Civil War. His Question had reference to claims other than the *Alabama* claims, to be made on the part of British subjects against the United States' Government. The limit of time within which they must have arisen was described in the Treaty in this way:—"The period between the 30th of April, 1861, and the 9th of April, 1865," and he wished to know why the latter date had been adopted. Several British subjects had communicated with him respecting the manner in which they were affected by the insertion of this date, and he would take as an example a British mercantile firm at New Orleans which closed their transactions at the beginning of the war and realized their funds. Owing to the inconvenience of remitting money in the ordinary way they invested their funds in cotton, to be shipped at the close of the war, which was the most convenient mode at that time of remitting money to this country. On the 11th of April, two days after the date fixed by the Treaty, their cotton was burnt; and they considered—whether rightly or wrongly he did not say—that they had a claim against the United States' Government which they would be entitled to make if it were not that they were precluded by the date named in the Treaty. He had vainly endeavoured to find out what

could be the reason for fixing upon that date. The question arose, could it be that of the termination of the war?—but that could not be, because on the 26th of April, General Johnson, commanding the Confederate Army, entered into a convention with General Sherman, of the United States' Army, for the surrender, on certain conditions, of the Confederate forces; but these terms were repudiated by General Sherman's Government, and the consequence was the unconditional surrender of the Confederate Army. Therefore the operations of war were going on up to that date. There was no limit in point of time in reference to the *Alabama* claims, and we knew that, after the date mentioned, and after the surrender of the Confederate forces, ships in different parts of the world continued their operations, and it was suggested that they were guilty of piracy. At all events, every claim made in consequence of their acts might be put forward under this Treaty without limit. It seemed to him strange and unfair that British subjects should be limited to a date which was short of the conclusion of the war, and that, on the other hand, there should be no limit to the claims against us in respect of the *Alabama*. Under these circumstances, he should be glad to know how the limitation in the Treaty arose.

EARL GRANVILLE said, that the dates mentioned by the noble and learned Lord were fixed upon by his noble Friend (Earl De Grey and Ripon) and his brother Commissioners, and were approved by Her Majesty's Government, for these reasons. The Commissioners took the beginning of the war from the commencement of the bombardment of Fort Sumter, and the conclusion of the war from the surrender of General Lee, which put an end to the Confederate Government, and which was considered the final act of the war. If the persons referred to by the noble and learned Lord, from whom also he had received letters, had their cotton burnt a few days after the date named, they were not debarred from making their claim against the American Government. He could hardly conceive that the American Government would refuse to meet a claim of this kind; indeed, he should think that it would be regarded as much stronger than if it had arisen during the war. With regard to these claims

Earl De Grey and Ripon

generally there was an advantage on our side, for there was no debarring clause whatever with respect to British claims; but American claims were strictly confined to those arising out of the war.

LORD CAIRNS inquired whether any communication would be made to the United States' Government with regard to claims of this character?

EARL DE GREY AND RIPON was understood to say that these claims, having arisen after the termination of the war, would fall under the ordinary conditions of peace; and as the Commission had decided in favour of such claims which arose during the war, and the United States' Government had agreed to the date taken as that of the termination of the war, he should think that these British subjects would be regarded as having a claim all the stronger because it had arisen after the termination of the war.

House adjourned at a quarter before Eight o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 20th June, 1871.

MINUTES.]—SUPPLY—considered in Committee—POST OFFICE SERVICES, REVENUE SERVICES, CIVIL SERVICES.

PUBLIC BILLS—Ordered—Municipal Corporations Acts (Ireland) Amendment*.

Ordered—First Reading—Public Libraries (Scotland) Act (1867) Amendment* [209].

Second Reading—Charities, &c. Exemption [23], put off; Registration of Births* [180]; Metropolitan Building Act (1855) Amendment* [200].

Report of Select Committee—Sequestration of Benefices* [No. 302]; Sequestration* [No. 303].

Committee—Report—Glasgow Boundary* [198]; Sasines Register (Scotland)* [199].

Third Reading—House of Commons (Witnesses)* [156]; Canada* [192]; Benefices Resignation* [174]; Metropolitan Board of Works (Loans)* [140], and passed.

Withdrawn—Dogs (No. 2)* [137].

The House met at Two of the clock.

CASE OF MRS. DEXTER.—QUESTION.

MR. E. TURNOR asked the Secretary of State for the Home Department, Whether his attention has been called to the case of Mrs. Dexter, who was charged at the Westminster Police Court

on 13th June with serving milk in her shop to customers while suffering herself from small-pox, and was acquitted by the police magistrate on the ground that the Act 29 and 30 Vic. c. 90, only applies to streets and public places; and, whether he would consider the expediency of extending the operation of the Act so as to include all cases of exposure of persons suffering from dangerous infectious diseases?

MR. BRUCE, in reply, said, it appeared to be true that a person named Dexter, who kept a milk-shop, was guilty of the imprudence of serving a customer while she herself was suffering from small-pox. The 35th section of the Sanitary Act of 1866 enacted that any person subject to a dangerous infectious disease who exposed himself without proper precaution in any public place, street, or public conveyance should be liable to the penalties imposed by the Act. The magistrate held—and he thought rightly held—that a shop was not a public place within the purview of the Act. But he thought the Act might be very usefully amended and enlarged so as to include shops.

DEPARTMENT OF WOODS AND FORESTS.—QUESTION.

MR. VERNON HARCOURT asked Mr. Chancellor of the Exchequer, What responsible Minister of the Crown is answerable to this House for the conduct of the Commissioners of Woods and Forests in the administration of the annual revenues of the Crown lands; and, whether a Report, addressed to the Treasury, dated June 8, 1871, and signed James K. Howard, purporting to define the function and duties of the Commissioners of Woods and Forests, especially in respect of their relations to the House of Commons, is approved and sanctioned by Her Majesty's Government?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have already stated, in answer to a Question, that I am the Minister responsible for the Woods and Forests in this House. With regard to the second part of the Question of the hon. Gentleman, we laid the Report on the Table because we thought it desirable that the House should have an authoritative explanation, from a person quite competent to give it and conversant

with the subject, of the facts of the case, and the law, so far as it bears on the duty of the Office of Woods and Forests; and as far as I know—though I have not tested it minutely—that Report does contain a correct statement of the facts. There may be some corrections required, but I am not aware of any; and I repeat, that I believe it fully states the law as regards the Woods and Forests; and by laying it on the Table of the House the Government does, so far, no doubt, express its assent to the Report. As to any part of it dealing with the relations of the Department to this House, that is a matter, I imagine, rather *ultra vires* as regards the Department. Mr. Howard, though a great authority in his own Department, has no means of deciding what its relations are to this House, and on that point the Government must not be understood to give the Report their sanction.

UNITED STATES—COTTON CLAIMS.

QUESTION.

MR. HOLT asked the Under Secretary of State for Foreign Affairs, with reference to Cotton Claims under the Treaty of Washington, 1871, Whether it is the intention of Her Majesty's Government to issue any regulations to govern proceedings by British merchants in support of their claims to compensation on account of property injured or destroyed in the late Civil War, or any notice specifying the time when such claims are to be preferred?

VISCOUNT ENFIELD: Sir, notice will be issued in a few days for all British claimants to transmit to such person as shall be appointed to receive them, and of whose appointment notice will be given, particulars of their claims and evidence in support thereof. A further notice will be published when the Commissioners are appointed to produce their claims and evidence within six months. These notices will be as nearly as possible identical with those issued with reference to the Convention of 1853 with the United States.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

The Chancellor of the Exchequer

ARMY REGULATION BILL—CLERKS OF LIEUTENANCY.—RESOLUTION.

LORD GEORGE HAMILTON, in bringing forward the Motion of which he had given Notice—

"That it is expedient that compensation should be made to the Clerks of the General Meetings, or of the Lieutenancy of any county, riding, or place in the United Kingdom, for the loss of emoluments which they will sustain by reason of the enactment of the provisions of the Army Regulation Bill,"

observed that, although theoretically these clerks held office merely at the pleasure of the Lord Lieutenant, practically they held office for life; and taking the average, they held office for 18 years. Their emoluments consisted partly of salaries fixed by Parliament under various Militia and Volunteer Acts, and partly of fees on the granting of commissions. In no case did the emoluments exceed £122 per annum, which, taking into consideration the services rendered and the high character of the gentlemen who rendered them, could not be considered a very exorbitant rate of pay. Taking both sources of emoluments, he found that in the course of five years all the clerks of lieutenancy in England and Wales received only £8,100 per annum, which being divided by 59, the number of clerks, only gave to each £137 per annum. There had been some correspondence with the War Office on this subject, and in a Memorandum written by Lord Northbrook it was stated that Mr. Cardwell considered that in these cases the payments in question were made as a reasonable compensation for services rendered, and when those services ceased the payments would also cease. Now, that was totally opposed to the principle on which compensation for the abolition of offices and superannuations had been granted. He referred to the compensations granted under 5 & 6 *Vict.* c. 105, to officers whose interests were damaged by changes in the Court of Chancery; under 18 & 19 *Vict.* c. 126, to clerks of the peace; under 20 & 21 *Vict.*, to proctors practising in the Probate Court; under the Irish Church Bill of last Session, to schoolmasters, clerks, sextons, and holders of other offices; and under a Treasury Minute of January last year, upon the abolition of the agencies in the Foreign Office, although in the latter case the

office could not be said to be other than one of a private nature. He had asked that two-thirds of their salaries should be awarded to the clerks of lieutenancy as compensation on the abolition of their offices; but if that were thought too much he should be prepared to accept a little less. He would further say that as the majority of the parties affected were upwards of 50 years of age, the burden could not possibly be of long duration. The noble Lord concluded by moving his Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is not expedient that the Clerks of the General Meetings, or of the Lieutenancy of any county, riding, or place in the United Kingdom, should be deprived of their emoluments without compensation,"—(*Lord George Hamilton*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL FRENCH said, he hoped the Government would not entertain such a proposal. The officers in question were really of no use whatever. They held their situations at the mere will of Lords Lieutenant of counties, and in Ireland the expenditure was altogether useless. The situation appeared to be only an opportunity of giving a person £50 a-year for doing nothing.

MR. GLADSTONE said, that the Government agreed very much in the view that had been taken by the right hon. and gallant Gentleman who had last spoken (Colonel French), that the proposal of the noble Lord could not be complied with without violating the rules of the House. But, independently of that objection to the Amendment, the Government felt bound to oppose the proposition on its merits, inasmuch as the gentlemen in question were not the servants of the Crown; and they were also of opinion that the withdrawal of the emoluments they had lost did not entitle them to compensation. The most telling of the examples of compensation referred to by the noble Lord the Member for Middlesex was that of the compensation to the agents of the Foreign Office; but those gentlemen were servants of the Crown, and had received their emoluments by virtue of an Order

of Council. The case of the officers of the Court of Chancery who were compensated was not an example to be imitated, as it had given rise to scandal, and was never referred to except as an example that the House of Commons ought to avoid following. But even in that case the compensation was not paid out of taxes, but out of funds belonging to the Court of Chancery. In the case of the Irish Church, again, the compensations under the Irish Church Act were paid out of the Irish Church property. The duties out of which the emoluments in question had been derived came casually to the gentlemen whom it was now sought to compensate under the operation of an Act of Parliament, and had been abolished by another Act of Parliament. Under these circumstances, the Government were not prepared to accede to the proposal of the noble Lord.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee)

(1.) £1,148,387, Post Office Packet Service; no part of which sum is to be applicable or applied in or towards making any payment in respect of any period subsequent to the 20th day of June 1863, to Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863.

(2.) £350,000, to complete the sum for the Post Office Telegraph Service.

(3.) £979,888, Revenue Departments (Customs).

(4.) £1,625,625, Inland Revenue Department.

SIR CHARLES W. DILKE asked the right hon. Gentleman the Chancellor of the Exchequer what were the duties of the Receiver General of the Inland Revenue Department, and whether it was intended to put an end to that office? A somewhat similar office

had been lately abolished, and he should like to know why that one was not dealt with in the same way.

MR. MACFIE said, he wished to know whether any progress had been made in consolidating the Inland Revenue with the Customs Department?

THE CHANCELLOR OF THE EXCHEQUER replied that, after full inquiry, it had been resolved to retain the office of Receiver General of the Inland Revenue; but he could not state on what ground the decision had been formed. The amalgamation of the Inland Revenue with the Customs Department would not conduce to the public advantage, and therefore there was no intention on the part of the Government to effect a union between those Departments.

MR. SCLATER-BOOTH said, he would not say whether the Chancellor of the Exchequer was right or not; but he knew that the Receivership of the Board of Customs was abolished with great advantage to the public service, and he thought it might be possible to dispense with such an officer in the Board of Inland Revenue. In reference to another subject, which had been recently investigated by the Select Committee on Public Accounts, in consequence of what was called "the War Office Scandal"—namely, the allowances made by way of poundage to collectors and assessors of income tax—the Committee made two recommendations: one being that the arrangements for remunerating persons in the public Departments for this special service should be re-considered by the Treasury; and the other, that when public money was received by a person in those Departments beyond the salary of his office, the amount should appear in the Estimates. He should be glad to hear the right hon. Gentleman's opinions on these propositions.

THE CHANCELLOR OF THE EXCHEQUER thought the recommendations of the Accounts Committee were perfectly just, and the Government would attend to them.

Vote agreed to.

(5.) £2,470,355, Post Office.

MR. CAVENDISH BENTINCK observed, that last Session and the Session before he submitted a point for the consideration of the Postmaster General as

to the giving of more accommodation to the public for the posting of letters in the railway stations of the United Kingdom, and in Post Office railway vans. Last year the noble Lord then at the head of the Department (the Marquess of Hartington) made considerable concessions in the matter, but more accommodation was still required. The absence of letter-boxes for stations was a great disadvantage to persons travelling, and great delay occurred in consequence of letters not being sorted at the railway stations. It would not be right to make a Motion on the subject, without giving Notice, and he would only ask the right hon. Gentleman the Postmaster General whether some additional accommodation could not be afforded?

MR. MONSELL said, his attention had been directed to the importance of affording larger facilities in this matter, and he had spoken about it to the officials at the Post Office. He would continue to give attention to the subject; but there were obvious difficulties in carrying out a satisfactory scheme, and he feared there would be much danger of letters posted in stations going to wrong places.

COLONEL SYKES said, the revenue from the Post Office was part and parcel of the permanent Revenue of the country, and whatever surplus was derived from the Post Office ought to be applied in remedying any deficiency in the means of obtaining letters.

SIR TOLLEMACHE SINCLAIR mentioned that in France letter-boxes had been attached to the trains, so that letters need only be placed in them to be dispatched at once. He thought the difficulty suggested by the Postmaster General might be overcome by labelling letter-boxes in such a manner as to indicate the up and down service.

MR. BOWRING asked, when the new postal regulations would come into operation?

MR. MONSELL said, probably on the 1st of August, and, as considerable reductions would be made in the postal charges, no doubt the Revenue would be affected; but he trusted that correspondence would increase to such an extent in a short time as to make good the deficiency. These changes, however, would involve no increase of the present Estimates.

Vote agreed to.

Sir Charles W. Dilke

(6.) £45,788, to complete the sum for the Superior Courts of Common Law in England.

(7.) £48,777, to complete the sum for the London Court of Bankruptcy.

(8.) £315,706, to complete the sum for the County Courts.

(9.) £69,477, to complete the sum for the Courts of Probate and Divorce and Matrimonial Causes in England.

(10.) £10,160, to complete the sum for the High Court of Admiralty.

(11.) £3,960, to complete the sum for the office of Land Registry.

MR. GOLDNEY called attention to the very unsatisfactory state of the office, and expressed the opinion that they were annually voting a sum of £5,000 for what was of very little benefit to the public.

THE CHANCELLOR OF THE EXCHEQUER said, that nothing but the state of Public Business prevented the Government from dealing with the matter at once.

Vote agreed to.

(12.) £15,226, to complete the sum for the Police Courts, London and Sheerness.

(13.) £154,470, to complete the sum for the Metropolitan Police.

MR. BOWRING asked, how the new system of supervision under the Habitual Criminals Act was working?

MR. BRUCE said, it was working very well, and had already been found very useful. The experiment was only in its infancy; but he believed, from the investigation he had made, that it was likely in time to contribute very considerably to the detection and punishment of crime.

MR. STEPHEN CAVE asked, whether it was intended to amend the Habitual Criminals Act, and to revert to the system of monthly reports of all convicts under inspection who changed their abode from one town to another?

MR. BRUCE said, the Government did intend to bring in a Bill on this subject; and so far as regarded convicts he should be disposed to recur to the former system of monthly reporting; but he doubted the expediency of extending such stringent regulations to persons simply under supervision.

MR. ALDERMAN LUSK contended that it was not fair to compel persons simply committed for trial to sit for their portraits, so that the photographs might be

sent to different parts of the country, even before the parties had been convicted. The law presumes a man is innocent until he is proved to be guilty.

COLONEL SYKES observed, that if the photographs were taken with the knowledge of the criminals, the latter might distort their faces in order to prevent a portrait being secured.

MR. BRUCE agreed that no one had a right to take the portrait of a man only committed for trial, and if that had been done it must have been with the consent of the man himself. With respect to the shrewd suggestion of the hon. and gallant Member (Colonel Sykes), the warders who took the portraits were sufficiently skilled in photographs to avoid taking anything but the man's ordinary expression.

MR. DICKINSON said, he hoped the Home Secretary would not commit himself to the doctrine that under no circumstances should a prisoner's photograph be taken until after his trial, for the simple reason that many persons awaiting their trial had been previously convicted.

Vote agreed to.

(14.) £295,500, to complete the sum for Police Counties and Boroughs (England and Wales), and in Scotland *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £361,333, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, of the Superintendence of Convict Establishments, and for the Maintenance of Convicts in England and the Colonies."

MR. ASSHETON CROSS inquired whether the sum of £15,000, which appeared in the Estimate as "New Prison—Commencement of Buildings," had reference to Brixton Prison? in reference to the expenses of which a Motion was on the Order Book for that night. He thought that the whole of the expenditure for the completion of the prison should be made known before the work was commenced.

MR. BAXTER said, £15,000 would not, of course, cover anything like the expenses of that work, and therefore he had thought it right that the House should not be asked to spend anything until its opinion had been taken on the proposal. If the Bill passed, it would be necessary for Government to bring

in a Supplementary Estimate. This, he thought, would be a proper proceeding, because it involved a large sum.

Mr. SCLATER-BOOTH concurred that the whole cost of the work should be shown, and it seemed to him that the £15,000 had been put down for the Brixton Prison.

Mr. WHEELHOUSE asked, whether it was intended to do away with the Milbank Prison altogether?

Mr. BRUCE said, that successive Governments had had their attention called to the unfitness of Milbank for the purposes of a prison. It was ill-arranged; and on a careful estimate of the Director of Prisons last autumn, it appeared that the excess of cost in overlooking this prison as compared with other prisons was not less than £5,000 a-year. Government had accordingly determined to do away with the prison, and to put the prisoners elsewhere. Milbank was only partly applied to the accommodation of convict prisoners; it also received the military prisoners. In removing this prison, it would be necessary to make accommodation elsewhere, and it had been considered most convenient that the accommodation should be supplied partly by adding to the Brixton Prison, and partly by erecting a new prison. He had been under the impression last night, when he stated that the £15,000 in the Estimates had reference to Brixton; that sum, however, was required for the new prison, the site of which had not yet been decided upon. While certain other works were under consideration, it was considered wise not to determine the position of the future convict prison; and it was also considered prudent to delay the settlement of that point until some decision was come to by Government which would determine the remunerative occupation of the prisoners, as there was some hope that the authorities would be able to utilize the convict labour to effect some such national work as the fortification of their arsenals, or the defence of London. There were two circumstances which would lead to a very considerable increase in the number of the prisoners, although, on the other hand, the state of crime might be described as generally satisfactory; one was the absolute cessation of transportation abroad, and the other was the term of punishment inflicted on persons already convicted of felony. The increase

Mr. Baxter

which those two circumstances would cause rendered it necessary to look ahead for the next few years, with a view to the proper housing of the prisoners.

Mr. ASSHETON CROSS wanted to know the whole amount of the Estimate in connection with this work, and also the probable cost of the new prison under the Brixton Bill, including the purchase of land.

Mr. BRUCE replied that the cost would very much depend on the nature of the prison erected. If erected for the purpose of accommodating convicts engaged in some temporary work—say at Dover or Chatham—it would be less expensive than if it was to be erected for permanent purposes.

Mr. CANDLISH said, it was apparent that the right hon. Gentleman had determined nothing. The site was not known to him, and its ultimate cost was not known to him. He thought a strong case was made out for postponing the Vote. It would be open to Government to proceed in the matter when their mind was made up.

Mr. BRUCE said, it was absolutely necessary to provide increased accommodation for the increased number of prisoners during the coming year, and provision must be made not merely in reference to the wants of the moment but in regard to future wants, which could be estimated with tolerable accuracy. It was a matter of indifference to Government whether this Vote of £15,000 was taken now or postponed to some future time, so long as Government was able to carry out the works necessary for the public interest.

Mr. CANDLISH said, he thought it only reasonable that the Committee should know the whole cost and the site of the buildings before voting the money.

Mr. WHEELHOUSE said, that the magistrates in the North of England had been considering how far there was any necessity for providing more convict prison room than actually existed. In Yorkshire there was a strong feeling in the mind of the magistrates that it was very undesirable to continue the Act which made it necessary, after a conviction for felony, to send to penal servitude for seven years. The justices would like to see their way to ordinary imprisonment being inflicted instead of penal servitude.

Mr. HERMON moved that the Vote be reduced by £15,000.

Motion made, and Question proposed,

"That a sum, not exceeding £346,332, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, of the Superintendence of Convict Establishments, and for the Maintenance of Convicts in England and the Colonies."
—(*Mr. Hermon.*)

Mr. BAXTER said, that it was quite immaterial whether this sum was granted now or afterwards, and Government would accordingly agree to the Motion just made.

Mr. RYLANDS pointed out that there was nothing to show that the expenditure in Milbank was greater than in other prisons. Both at Chatham and Dartmoor many of the charges were higher than at Milbank.

Mr. BRUCE said, the circumstances of these prisons differed from those of Milbank, which was used partly as a prison for short sentences and partly for the first portion of sentences to penal servitude.

Sir CHARLES ADDERLEY said, that as the Home Secretary had sent a Circular to the managers of Industrial Schools stating that the Treasury Grants to those schools would be reduced, he desired to have some explanation on the matter. The proceeding appeared to have been rather abrupt, for the Circular Letter was dated the 27th of April, and the reduction was made on the 1st of May. The Treasury payment for children under 10 years of age was reduced nearly 40 per cent, and a similar reduction was made in the case of children over 15 years of age. The reason given for the reduction in respect to children under 10 years of age was that they were hardly capable of industrial training; and the reason assigned for the reduction in the case of children over 15 years of age was that keeping children too long in Industrial Schools was not favourable to their moral or physical development. He had letters in his possession contradicting the reasons assigned in both instances. Indeed, the experience of every Industrial School proved that if children of the class sent there did not begin their instruction at an early age, the purpose for which industrial schools were instituted would be frustrated. It

was the neglected state of those children which mainly justified any Treasury aid at all for national education, and which led many to a desire for compulsory education. The Industrial Schools were already the receptacles of compulsory scholars. With regard to children over 15 years of age, he believed that the Circular Letter exhibited a prevalent mistake in the estimation of these schools, arising from their being treated, in consequence of their connection with the Home Office instead of the Education Department, like penal or pauper establishments, and not as schools. In an article on the subject of enlistment in the Army the leading journal on Saturday last adverted to the difficulty which was experienced in getting well-educated adults to that service. The Navy could take boys young—it would be expensive for the State to educate Army recruits till they were old enough for the service, and it would be well to see if we could not render the children educated at the public expense in those schools available for military purposes. In his opinion the present payment of 5s. per head was sufficient, and in some cases more than enough; but he thought that the right hon. Gentleman had made a mistake in proposing to reduce the proportion of the grant in the case of such boys under 10 years of age on the ground that they were too young to benefit by Industrial Schools; and in the case of the elder boys on the ground that they were old enough to earn their own living, ignoring the fact that they might be doing so in the school itself, or preparing to emigrate, or for special service. Under these circumstances, he begged to ask the right hon. Gentleman to explain the reasons which had induced him to propose these reductions?

ALDERMAN Sir DAVID SALOMONS said, he thought that these schools ought to have a wider scope given to them, and that the police should be instructed to keep a sharper eye on vagabond children.

Mr. BOWRING inquired, whether the sum taken in the present Estimates was based upon the old allowance of 5s. a-week, or upon the proposal contained in the right hon. Gentleman's Circular?

Mr. BAXTER replied that the Vote was based on the old allowance.

Mr. BRUCE said, that the right hon. Gentleman opposite (Sir Charles

Adderley) spoke with such authority upon this subject, he having spent the greater part of a most useful life in supporting every institution which tended to reduce crime, that he always differed from him with extreme reluctance. No doubt it was of national interest that these unhappy children should be turned into good citizens, instead of being allowed to become the pests of society; but, at the same time, it should be kept in mind that their cases were exceptional. He would not go so far as to apply to the directors of these institutions the saying of Talleyrand, with respect to fathers of families, "That they were capable of anything;" but, certainly, the tendency in Scotland and many parts of the country was to strain very much the machinery of the Industrial Schools Act, and to send to the schools established under it a vast number of children who had no right to be admitted into them, but who ought to be dealt with under the Poor Law. It had been in consequence of this tendency that the Government had found it necessary to determine that no children should be admitted into them who were under six years of age. The annual sum appropriated to the support of these schools had increased from £19,000 in 1865 to £115,000 in the present year, which showed the necessity which existed for placing some check upon the practice of relieving the local burdens by means of these schools at the expense of the Imperial funds. The tendency of these schools was to become more burdensome to the Imperial Revenue, and as he was most desirous that they should be supported by voluntary and local effort, he had determined to reduce the allowance for the children. With regard to the children between 15 and 16 years of age he thought he was justified in making a reduction, for the simple reason, which he thought no one would gainsay, that at that period of life a child could contribute something considerable towards its own support. However excellent the instruction might be it had a prejudicial effect on the character of the children, for nothing could replace the freedom which a child enjoyed in earning a livelihood beyond the walls of an institution. After very careful consideration and consultation with those who were well able to advise him on the matter, he issued a circular announcing the reduction in the allowance to those schools.

Mr. Bruce

Many expostulations against the reduction had reached the Government; but managers of several of the most important institutions in the country had expressed their approbation of that step, and mainly because there was a tendency in these schools to cease to be voluntary. At the same time, these were institutions of great national importance, and it would be necessary to watch most closely the effect of the change in them. Nothing could be further from his wish, or that of the Government, than to do anything detrimental to these institutions, which were doing so much good.

Mr. MITCHELL HENRY wished to know how much the Government would save by this reduction, and whether the new system would be applied to Ireland? He feared that the consequence of reducing the grant would be to destroy some institutions that were of great advantage in Ireland.

Mr. BRUCE said, that the reduction would not apply to the Irish Industrial Schools.

Mr. STEPHEN CAVE said, he was inclined to think that the alteration in the amount of the grant was a step in the right direction; though no doubt some difficulty would be felt from the managers being too ready to rely upon Imperial funds instead of upon local rates and subscriptions. Too liberal an allowance would probably do more harm than good. A great deal of mischief would be done by anything that would have a tendency to cause the honest working man to neglect his children. There were constant complaints that a poor man could not bring up his children in the way in which children were educated at these institutions, and that there would be no chance for their being so brought up unless he should neglect them and turn them into the streets. It was very difficult to answer such allegations. The real excuse for spending public money upon these children was, that if they were let alone in their neglected state they would probably cause a good deal of evil to society at large. This end should always be kept in view, both in the quality of education given, and the selection of the children, so as to avoid giving a premium to the neglect of children, and more trouble should be taken for the same reason, to exact contributions from parents. The cases should be wholly exceptional. If there was a

difficulty as to funds these cases would be properly selected; but if there were a large grant, the managers of the institutions would not be careful whom they admitted within their walls.

DR. BREWER said, he hoped it would be remembered that these Industrial Schools took the place of the prison. They were intended to supersede the necessity of imprisoning children for a greater or less time and exposing them to vicious associations. He did not think that they could draw any hard-and-fast line in respect to the age at which children should be received at or dismissed from school.

MR. CONOLLY said, he was glad to see the attention paid to reformatories in England, because he should on a future occasion bring to the notice of the House the success which had attended the Reformatory of Glencree, in Ireland, under the management of the monks. The proportion of boys reclaimed was 90 per cent, while in England, under the most favourable auspices, it was not more than 75 per cent. He would ask the Prime Minister for a small grant for the Reformatory.

MR. D. DALRYMPLE said, he saw in the Vote an item of £320 for the maintenance of criminal lunatics in private asylums. It was highly inexpedient that such lunatics should be confined in private asylums. There was a Bill in "another place" which proposed to transfer criminal lunatics in Scotland to chartered institutions. He hoped before another year some means would be taken to put a stop to this practice.

MR. M'LAREN said, that the managers of the chartered institutions in Scotland complained grievously of the Bill to which the hon. Gentleman the Member for Bath had referred.

Question put, and *agreed to*.

(16.) £251,980, to complete the sum for the maintenance of Prisoners, Juvenile Offenders, and Criminal Lunatics.

(17.) £25,410, to complete the sum for Broadmoor Criminal Lunatic Asylum.

MR. SCLATER - BOOTH said, he would suggest that the Home Secretary should take into consideration a matter which had been pressed by him on successive Secretaries of State—namely, some arrangements for retaining at Broadmoor criminal lunatics of a dangerous character after the term of their sentence had

expired. Under the Act of 1869 the Home Secretary had power to order their removal to the asylums of the county to which they belonged. There was no proper provision in the county asylums for lunatics of a dangerous class, and they might well be retained at Broadmoor at the expense of the county or borough to which they might be chargeable.

MR. GOLDSMID desired to call attention to the case of a person whose sentence had expired and who was sent to his county asylum from Dartmoor. Nearly all the time the medical officers were of opinion that the man was perfectly sane, and yet they were obliged to keep him. He was not sure that the medical superintendent was not liable to an action.

MR. BRUCE said, he thought if the sentence had expired and the man was sane those who detained him would be liable to an action. With regard to the general question, there was the greatest possible difficulty in providing at Broadmoor for the criminal lunatics sent there, and the managers were most desirous of transferring them to the counties chargeable with their support. There was, however, great force in the appeal of his hon. Friend, and he would undertake to see to it.

Vote agreed to.

(18.) £15,750, to complete the sum for Miscellaneous Legal Charges in England.

MR. NEVILLE-GRENVILLE asked, how it happened that additional revising barristers were always wanted, and why the number of days during which they were required was always the same?

MR. BRUCE said, that was the best Estimate that could be made; he would not undertake to say all the money would be spent.

Vote agreed to.

(19.) £55,675, to complete the sum for Criminal Proceedings in Scotland.

(20.) £42,767, to complete the sum for Courts of Law and Justice in Scotland.

SIR COLMAN O'LOGHLEN said, that in Scotland there were Courts called Sheriffs' Courts; but though the office was one of very great importance—more important, in fact, than that of the

Judges of the County Courts in England or Ireland—the sheriff himself did not discharge the duties of the Court, but they were discharged by an officer called the sheriff-substitute. Now it appeared, from what had taken place the other night, that this sheriff-substitute might himself appoint a deputy, of whom the Law Officers of the Crown might know nothing. What he (Sir Colman O'Loughlen) desired to know was, if it was true that the sheriff-substitute had the power to appoint any person as his deputy whom he thought proper, so long as he was a barrister of five years' standing? If such was the case, he thought it was an abuse which ought not to be allowed to continue. In England a County Court Judge could only have a deputy appointed by the Lord Chancellor, and there was the same practice in Ireland. In his opinion there ought to be some power conferred so that in Scotland the appointment of a sheriff-depute might be controlled and the sheriff-substitute might not be allowed to appoint whoever he liked. The power to appoint a sheriff-depute ought either to be in the hands of the Lord Advocate or one of the Judges.

THE LORD ADVOCATE said, the information on which his right hon. and learned Friend had made his statement was not altogether accurate. In the first place, he was wrong in his assumption that the duties of the Sheriff Court were performed by the sheriff-substitute and not by the sheriff. The office of sheriff was a very important one, and in many of the counties in Scotland the duties were very onerous. The sheriff had, by Act of Parliament and by the terms of his commission, power to appoint a substitute. It was a question whether the power to appoint a sheriff-substitute should continue as at present in the hands of the sheriff, or whether it might not conduce to the public service to transfer the patronage to the Crown. From the sheriff-substitute there was an appeal to the sheriff, and the appeals were very numerous. It was not accurate to suppose that the appointment of the sheriff-depute was made by the sheriff-substitute. There was very rarely occasion to make such an appointment at all; but when the occasion did arise, the appointment was made by the sheriff, and not by the sheriff-substitute. If the sheriff-sub-

Sir Colman O'Loughlen

stitute was ill or unable to attend to his duties from some temporary cause, a deputy was appointed by the sheriff. He did not think there was anything in the present state of matters to call for legislative interference—it might be worthy of consideration, but he had no proposal to submit.

Vote agreed to.

(21.) £22,740, to complete the sum for General Register House, Edinburgh.

SIR EDWARD COLEBROOKE said, that although this sum seemed a very considerable one, it would appear from the account that it was not a Vote of public money, the expenses of the department in question being more than sufficiently provided for by the receipts and fees. This subject had given rise to dissatisfaction, because the Scotch people felt that they were practically taxed for a larger amount than was sufficient to maintain the establishment. It was urged some time ago that it was quite impossible to introduce any reform of the Register House until all the registers were united, and power was given to the Treasury as soon as that should take place to apply a remedy to the state of things complained of. What was asked for was that the fees should be so reduced that after paying the expenses of the department there should be no surplus to go into the general Exchequer of the country. The public had a full right to the benefit of reduced fees if the receipts of the department would justify it. In his opinion the time had come when the Treasury ought to act upon the power which they had, and reduce the fees.

MR. M'LAREN asked what was the exact amount paid to the retired officers throughout Scotland, and whether the payments which had been made had been taken out of the fees? The expenditure of the present year was £30,200, while the receipts were £39,500, leaving a balance of £9,300, and there was a similar surplus last year. He feared that out of these balances had been paid the retiring allowances of those registrars whose offices had been brought to Edinburgh. If this was the case, the amount of the retiring allowances ought to be stated in the Estimates. As to the general balance, it was altogether wrong that it should go into the public purse. The Act of Parliament distinctly

stated that the surplus was to be applied to the reduction of the fees, and no one could defend the appropriation of the money to any other purpose.

MR. SINCLAIR AYTOUN said, he quite agreed with the hon. Member for Edinburgh. It was unjust that the landed proprietors of Scotland should contribute in this way a large sum to the national Exchequer. It was the duty of the Government at once to reduce the fees.

THE LORD ADVOCATE agreed that the fees in this Court ought not to be a source of revenue, it having been provided by the Act of Parliament, passed three years ago, that they should be adjusted so as to meet the expenses of the department as nearly as could be calculated, and he regretted that hitherto no steps had been taken towards their reduction. He was informed by the Secretary to the Treasury that the retiring allowances were paid out of the general funds of the country, but no such account was kept as enabled him to set that amount against the other. The department was not under his control; but he would do all he could to have justice done.

MR. ANDERSON asked whether steps were being taken to avoid complaints about the backward state of business in the Register House?

THE LORD ADVOCATE said, he was aware that such complaints had been made, and he was sorry to say not unreasonably. The general explanation was that the establishment was very much under-manned, and the duties placed upon the department had been much increased. This was now remedied to a large extent.

MR. BAXTER said, the retiring allowances which were paid last year amounted to £2,646.

MR. M'LAREN said, then it appeared that even after paying the retiring allowances, they had still a surplus. They had disobeyed an Act of Parliament in not applying that surplus to the reduction of fees, and the Chancellor of the Exchequer had put the money into his pocket. He trusted that it would be paid back.

Vote agreed to.

(22.) £18,987, to complete the sum for Prisons in Scotland, &c.

(23.) £59,403, to complete the sum for Criminal Prosecutions, &c., Ireland.

(24.) £33,903, to complete the sum for the Court of Chancery, Ireland.

(25.) £22,377, to complete the sum for the Superior Courts of Common Law in Ireland.

(26.) £6,470, to complete the sum for the Court of Bankruptcy and Insolvency in Ireland.

(27.) £9,721, to complete the sum for the Landed Estates Court, Ireland.

(28.) £8,526, to complete the sum for the Court of Probate in Ireland.

(29.) £1,540, to complete the sum for the Admiralty Court Registry, Ireland.

(30.) £11,508, to complete the sum for the Office for Registration of Deeds in Ireland.

(31.) £2,316, to complete the sum for the Office for Registration of Judgments in Ireland.

(32.) £73,673, to complete the sum for the Dublin Metropolitan Police.

(33.) Motion made, and Question proposed,

"That a sum, not exceeding £693,200, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Constabulary Force in Ireland."

MR. FIELDEN observed, that a large sum was put down for pensions, and that the increase over the amount asked for last year was £10,442. He objected to the increase, and moved that the Vote be reduced by that amount.

Motion made, and Question proposed,

"That a sum, not exceeding £682,818, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Constabulary Force in Ireland."—(*Mr. Joshua Fielden.*)

THE MARQUESS OF HARTINGTON said, that the pensions were granted under Act of Parliament, and he scarcely believed that the hon. Member for the West Riding would persist in his proposal to deprive the men of the pensions they had earned, and on the faith of receiving which they had been induced to enter the service.

MR. NEVILLE-GRENVILLE said, that the amount of pensions was certainly enormous, and was increasing at the rate of £10,000 a-year. It already amounted to £120,000; whereas the pay of the force only amounted to £567,000.

MR. RYLANDS said, that these pensions were a difficult matter to deal with,

had been lately abolished, and he should like to know why that one was not dealt with in the same way.

MR. MACFIE said, he wished to know whether any progress had been made in consolidating the Inland Revenue with the Customs Department?

THE CHANCELLOR OF THE EXCHEQUER replied that, after full inquiry, it had been resolved to retain the office of Receiver General of the Inland Revenue; but he could not state on what ground the decision had been formed. The amalgamation of the Inland Revenue with the Customs Department would not conduce to the public advantage, and therefore there was no intention on the part of the Government to effect a union between those Departments.

MR. SCLATER-BOOTH said, he would not say whether the Chancellor of the Exchequer was right or not; but he knew that the Receivership of the Board of Customs was abolished with great advantage to the public service, and he thought it might be possible to dispense with such an officer in the Board of Inland Revenue. In reference to another subject, which had been recently investigated by the Select Committee on Public Accounts, in consequence of what was called "the War Office Scandal"—namely, the allowances made by way of poundage to collectors and assessors of income tax—the Committee made two recommendations: one being that the arrangements for remunerating persons in the public Departments for this special service should be re-considered by the Treasury; and the other, that when public money was received by a person in those Departments beyond the salary of his office, the amount should appear in the Estimates. He should be glad to hear the right hon. Gentleman's opinions on these propositions.

THE CHANCELLOR OF THE EXCHEQUER thought the recommendations of the Accounts Committee were perfectly just, and the Government would attend to them.

Vote agreed to.

(5.) £2,470,355, Post Office.

MR. CAVENDISH BENTINCK observed, that last Session and the Session before he submitted a point for the consideration of the Postmaster General as

Sir Charles W. Dilke

to the giving of more accommodation to the public for the posting of letters in the railway stations of the United Kingdom, and in Post Office railway vans. Last year the noble Lord then at the head of the Department (the Marquess of Hartington) made considerable concessions in the matter, but more accommodation was still required. The absence of letter-boxes for stations was a great disadvantage to persons travelling, and great delay occurred in consequence of letters not being sorted at the railway stations. It would not be right to make a Motion on the subject, without giving Notice, and he would only ask the right hon. Gentleman the Postmaster General whether some additional accommodation could not be afforded?

MR. MONSELL said, his attention had been directed to the importance of affording larger facilities in this matter, and he had spoken about it to the officials at the Post Office. He would continue to give attention to the subject; but there were obvious difficulties in carrying out a satisfactory scheme, and he feared there would be much danger of letters posted in stations going to wrong places.

COLONEL SYKES said, the revenue from the Post Office was part and parcel of the permanent Revenue of the country, and whatever surplus was derived from the Post Office ought to be applied in remedying any deficiency in the means of obtaining letters.

SIR TOLLEMACHE SINCLAIR mentioned that in France letter-boxes had been attached to the trains, so that letters need only be placed in them to be dispatched at once. He thought the difficulty suggested by the Postmaster General might be overcome by labelling letter-boxes in such a manner as to indicate the up and down service.

MR. BOWRING asked, when the new postal regulations would come into operation?

MR. MONSELL said, probably on the 1st of August, and, as considerable reductions would be made in the postal charges, no doubt the Revenue would be affected; but he trusted that correspondence would increase to such an extent in a short time as to make good the deficiency. These changes, however, would involve no increase of the present Estimates.

Vote agreed to.

(6.) £45,788, to complete the sum for the Superior Courts of Common Law in England.

(7.) £48,777, to complete the sum for the London Court of Bankruptcy.

(8.) £315,706, to complete the sum for the County Courts.

(9.) £69,477, to complete the sum for the Courts of Probate and Divorce and Matrimonial Causes in England.

(10.) £10,160, to complete the sum for the High Court of Admiralty.

(11.) £3,960, to complete the sum for the office of Land Registry.

MR. GOLDNEY called attention to the very unsatisfactory state of the office, and expressed the opinion that they were annually voting a sum of £5,000 for what was of very little benefit to the public.

THE CHANCELLOR OF THE EXCHEQUER said, that nothing but the state of Public Business prevented the Government from dealing with the matter at once.

Vote agreed to.

(12.) £15,226, to complete the sum for the Police Courts, London and Sheerness.

(13.) £154,470, to complete the sum for the Metropolitan Police.

MR. BOWRING asked, how the new system of supervision under the Habitual Criminals Act was working?

MR. BRUCE said, it was working very well, and had already been found very useful. The experiment was only in its infancy; but he believed, from the investigation he had made, that it was likely in time to contribute very considerably to the detection and punishment of crime.

MR. STEPHEN CAVE asked, whether it was intended to amend the Habitual Criminals Act, and to revert to the system of monthly reports of all convicts under inspection who changed their abode from one town to another?

MR. BRUCE said, the Government did intend to bring in a Bill on this subject; and so far as regarded convicts he should be disposed to recur to the former system of monthly reporting; but he doubted the expediency of extending such stringent regulations to persons simply under supervision.

MR. ALDERMAN LUSK contended that it was not fair to compel persons simply committed for trial to sit for their portraits, so that the photographs might be

sent to different parts of the country, even before the parties had been convicted. The law presumes a man is innocent until he is proved to be guilty.

COLONEL SYKES observed, that if the photographs were taken with the knowledge of the criminals, the latter might distort their faces in order to prevent a portrait being secured.

MR. BRUCE agreed that no one had a right to take the portrait of a man only committed for trial, and if that had been done it must have been with the consent of the man himself. With respect to the shrewd suggestion of the hon. and gallant Member (Colonel Sykes), the warders who took the portraits were sufficiently skilled in photography to avoid taking anything but the man's ordinary expression.

MR. DICKINSON said, he hoped the Home Secretary would not commit himself to the doctrine that under no circumstances should a prisoner's photograph be taken until after his trial, for the simple reason that many persons awaiting their trial had been previously convicted.

Vote agreed to.

(14.) £295,500, to complete the sum for Police Counties and Boroughs (England and Wales), and in Scotland *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £361,332, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, of the Superintendence of Convict Establishments, and for the Maintenance of Convicts in England and the Colonies."

MR. ASSHETON CROSS inquired whether the sum of £15,000, which appeared in the Estimate as "New Prison—Commencement of Buildings," had reference to Brixton Prison? in reference to the expenses of which a Motion was on the Order Book for that night. He thought that the whole of the expenditure for the completion of the prison should be made known before the work was commenced.

MR. BAXTER said, £15,000 would not, of course, cover anything like the expenses of that work, and therefore he had thought it right that the House should not be asked to spend anything until its opinion had been taken on the proposal. If the Bill passed, it would be necessary for Government to bring

in a Supplementary Estimate. This, he thought, would be a proper proceeding, because it involved a large sum.

MR. SCLATER-BOOTH concurred that the whole cost of the work should be shown, and it seemed to him that the £15,000 had been put down for the Brixton Prison.

MR. WHEELHOUSE asked, whether it was intended to do away with the Milbank Prison altogether?

MR. BRUCE said, that successive Governments had had their attention called to the unfitness of Milbank for the purposes of a prison. It was ill-arranged; and on a careful estimate of the Director of Prisons last autumn, it appeared that the excess of cost in overlooking this prison as compared with other prisons was not less than £5,000 a-year. Government had accordingly determined to do away with the prison, and to put the prisoners elsewhere. Milbank was only partly applied to the accommodation of convict prisoners; it also received the military prisoners. In removing this prison, it would be necessary to make accommodation elsewhere, and it had been considered most convenient that the accommodation should be supplied partly by adding to the Brixton Prison, and partly by erecting a new prison. He had been under the impression last night, when he stated that the £15,000 in the Estimates had reference to Brixton; that sum, however, was required for the new prison, the site of which had not yet been decided upon. While certain other works were under consideration, it was considered wise not to determine the position of the future convict prison; and it was also considered prudent to delay the settlement of that point until some decision was come to by Government which would determine the remunerative occupation of the prisoners, as there was some hope that the authorities would be able to utilize the convict labour to effect some such national work as the fortification of their arsenals, or the defence of London. There were two circumstances which would lead to a very considerable increase in the number of the prisoners, although, on the other hand, the state of crime might be described as generally satisfactory; one was the absolute cessation of transportation abroad, and the other was the term of punishment inflicted on persons already convicted of felony. The increase

Mr. Baxter

which those two circumstances would cause rendered it necessary to look ahead for the next few years, with a view to the proper housing of the prisoners.

MR. ASSHETON CROSS wanted to know the whole amount of the Estimate in connection with this work, and also the probable cost of the new prison under the Brixton Bill, including the purchase of land.

MR. BRUCE replied that the cost would very much depend on the nature of the prison erected. If erected for the purpose of accommodating convicts engaged in some temporary work—say at Dover or Chatham—it would be less expensive than if it was to be erected for permanent purposes.

MR. CANDLISH said, it was apparent that the right hon. Gentleman had determined nothing. The site was not known to him, and its ultimate cost was not known to him. He thought a strong case was made out for postponing the Vote. It would be open to Government to proceed in the matter when their mind was made up.

MR. BRUCE said, it was absolutely necessary to provide increased accommodation for the increased number of prisoners during the coming year, and provision must be made not merely in reference to the wants of the moment but in regard to future wants, which could be estimated with tolerable accuracy. It was a matter of indifference to Government whether this Vote of £15,000 was taken now or postponed to some future time, so long as Government was able to carry out the works necessary for the public interest.

MR. CANDLISH said, he thought it only reasonable that the Committee should know the whole cost and the site of the buildings before voting the money.

MR. WHEELHOUSE said, that the magistrates in the North of England had been considering how far there was any necessity for providing more convict prison room than actually existed. In Yorkshire there was a strong feeling in the mind of the magistrates that it was very undesirable to continue the Act which made it necessary, after a conviction for felony, to send to penal servitude for seven years. The justices would like to see their way to ordinary imprisonment being inflicted instead of penal servitude.

Mr. HERMON moved that the Vote be reduced by £15,000.

Motion made, and Question proposed,

"That a sum, not exceeding £346,332, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, of the Superintendence of Convict Establishments, and for the Maintenance of Convicts in England and the Colonies."
—(Mr. Hermon.)

Mr. BAXTER said, that it was quite immaterial whether this sum was granted now or afterwards, and Government would accordingly agree to the Motion just made.

Mr. RYLANDS pointed out that there was nothing to show that the expenditure in Milbank was greater than in other prisons. Both at Chatham and Dartmoor many of the charges were higher than at Milbank.

Mr. BRUCE said, the circumstances of these prisons differed from those of Milbank, which was used partly as a prison for short sentences and partly for the first portion of sentences to penal servitude.

Sir CHARLES ADDERLEY said, that as the Home Secretary had sent a Circular to the managers of Industrial Schools stating that the Treasury Grants to those schools would be reduced, he desired to have some explanation on the matter. The proceeding appeared to have been rather abrupt, for the Circular Letter was dated the 27th of April, and the reduction was made on the 1st of May. The Treasury payment for children under 10 years of age was reduced nearly 40 per cent, and a similar reduction was made in the case of children over 15 years of age. The reason given for the reduction in respect to children under 10 years of age was that they were hardly capable of industrial training; and the reason assigned for the reduction in the case of children over 15 years of age was that keeping children too long in Industrial Schools was not favourable to their moral or physical development. He had letters in his possession contradicting the reasons assigned in both instances. Indeed, the experience of every Industrial School proved that if children of the class sent there did not begin their instruction at an early age, the purpose for which industrial schools were instituted would be frustrated. It

was the neglected state of those children which mainly justified any Treasury aid at all for national education, and which led many to a desire for compulsory education. The Industrial Schools were already the receptacles of compulsory scholars. With regard to children over 15 years of age, he believed that the Circular Letter exhibited a prevalent mistake in the estimation of these schools, arising from their being treated, in consequence of their connection with the Home Office instead of the Education Department, like penal or pauper establishments, and not as schools. In an article on the subject of enlistment in the Army the leading journal on Saturday last adverted to the difficulty which was experienced in getting well-educated adults to that service. The Navy could take boys young—it would be expensive for the State to educate Army recruits till they were old enough for the service, and it would be well to see if we could not render the children educated at the public expense in those schools available for military purposes. In his opinion the present payment of 5s. per head was sufficient, and in some cases more than enough; but he thought that the right hon. Gentleman had made a mistake in proposing to reduce the proportion of the grant in the case of such boys under 10 years of age on the ground that they were too young to benefit by Industrial Schools; and in the case of the elder boys on the ground that they were old enough to earn their own living, ignoring the fact that they might be doing so in the school itself, or preparing to emigrate, or for special service. Under these circumstances, he begged to ask the right hon. Gentleman to explain the reasons which had induced him to propose these reductions?

ALDERMAN Sir DAVID SALOMONS said, he thought that these schools ought to have a wider scope given to them, and that the police should be instructed to keep a sharper eye on vagabond children.

Mr. BOWRING inquired, whether the sum taken in the present Estimates was based upon the old allowance of 5s. a-week, or upon the proposal contained in the right hon. Gentleman's Circular?

Mr. BAXTER replied that the Vote was based on the old allowance.

Mr. BRUCE said, that the right hon. Gentleman opposite (Sir Charles

Adderley) spoke with such authority upon this subject, he having spent the greater part of a most useful life in supporting every institution which tended to reduce crime, that he always differed from him with extreme reluctance. No doubt it was of national interest that these unhappy children should be turned into good citizens, instead of being allowed to become the pests of society; but, at the same time, it should be kept in mind that their cases were exceptional. He would not go so far as to apply to the directors of these institutions the saying of Talleyrand, with respect to fathers of families, "That they were capable of anything;" but, certainly, the tendency in Scotland and many parts of the country was to strain very much the machinery of the Industrial Schools Act, and to send to the schools established under it a vast number of children who had no right to be admitted into them, but who ought to be dealt with under the Poor Law. It had been in consequence of this tendency that the Government had found it necessary to determine that no children should be admitted into them who were under six years of age. The annual sum appropriated to the support of these schools had increased from £19,000 in 1865 to £115,000 in the present year, which showed the necessity which existed for placing some check upon the practice of relieving the local burdens by means of these schools at the expense of the Imperial funds. The tendency of these schools was to become more burdensome to the Imperial Revenue, and as he was most desirous that they should be supported by voluntary and local effort, he had determined to reduce the allowance for the children. With regard to the children between 15 and 16 years of age he thought he was justified in making a reduction, for the simple reason, which he thought no one would gainsay, that at that period of life a child could contribute something considerable towards its own support. However excellent the instruction might be it had a prejudicial effect on the character of the children, for nothing could replace the freedom which a child enjoyed in earning a livelihood beyond the walls of an institution. After very careful consideration and consultation with those who were well able to advise him on the matter, he issued a circular announcing the reduction in the allowance to those schools.

Mr. Bruce

Many expostulations against the reduction had reached the Government; but managers of several of the most important institutions in the country had expressed their approbation of that step, and mainly because there was a tendency in these schools to cease to be voluntary. At the same time, these were institutions of great national importance, and it would be necessary to watch most closely the effect of the change in them. Nothing could be further from his wish, or that of the Government, than to do anything detrimental to these institutions, which were doing so much good.

Mr. MITCHELL HENRY wished to know how much the Government would save by this reduction, and whether the new system would be applied to Ireland? He feared that the consequence of reducing the grant would be to destroy some institutions that were of great advantage in Ireland.

Mr. BRUCE said, that the reduction would not apply to the Irish Industrial Schools.

Mr. STEPHEN CAVE said, he was inclined to think that the alteration in the amount of the grant was a step in the right direction; though no doubt some difficulty would be felt from the managers being too ready to rely upon Imperial funds instead of upon local rates and subscriptions. Too liberal an allowance would probably do more harm than good. A great deal of mischief would be done by anything that would have a tendency to cause the honest working man to neglect his children. There were constant complaints that a poor man could not bring up his children in the way in which children were educated at these institutions, and that there would be no chance for their being so brought up unless he should neglect them and turn them into the streets. It was very difficult to answer such allegations. The real excuse for spending public money upon these children was, that if they were let alone in their neglected state they would probably cause a good deal of evil to society at large. This end should always be kept in view, both in the quality of education given, and the selection of the children, so as to avoid giving a premium to the neglect of children, and more trouble should be taken for the same reason, to exact contributions from parents. The cases should be wholly exceptional. If there was a

difficulty as to funds these cases would be properly selected; but if there were a large grant, the managers of the institutions would not be careful whom they admitted within their walls.

Dr. BREWER said, he hoped it would be remembered that these Industrial Schools took the place of the prison. They were intended to supersede the necessity of imprisoning children for a greater or less time and exposing them to vicious associations. He did not think that they could draw any hard-and-fast line in respect to the age at which children should be received at or dismissed from school.

Mr. CONOLLY said, he was glad to see the attention paid to reformatories in England, because he should on a future occasion bring to the notice of the House the success which had attended the Reformatory of Glencree, in Ireland, under the management of the monks. The proportion of boys reclaimed was 90 per cent, while in England, under the most favourable auspices, it was not more than 75 per cent. He would ask the Prime Minister for a small grant for the Reformatory.

Mr. D. DALRYMPLE said, he saw in the Vote an item of £320 for the maintenance of criminal lunatics in private asylums. It was highly inexpedient that such lunatics should be confined in private asylums. There was a Bill in "another place" which proposed to transfer criminal lunatics in Scotland to chartered institutions. He hoped before another year some means would be taken to put a stop to this practice.

Mr. M'LAREN said, that the managers of the chartered institutions in Scotland complained grievously of the Bill to which the hon. Gentleman the Member for Bath had referred.

Question put, and *agreed to*.

(16.) £251,980, to complete the sum for the maintenance of Prisoners, Juvenile Offenders, and Criminal Lunatics.

(17.) £25,410, to complete the sum for Broadmoor Criminal Lunatic Asylum.

Mr. SCLATER - BOOTH said, he would suggest that the Home Secretary should take into consideration a matter which had been pressed by him on successive Secretaries of State—namely, some arrangements for retaining at Broadmoor criminal lunatics of a dangerous character after the term of their sentence had

expired. Under the Act of 1869 the Home Secretary had power to order their removal to the asylums of the county to which they belonged. There was no proper provision in the county asylums for lunatics of a dangerous class, and they might well be retained at Broadmoor at the expense of the county or borough to which they might be chargeable.

Mr. GOLDSMID desired to call attention to the case of a person whose sentence had expired and who was sent to his county asylum from Dartmoor. Nearly all the time the medical officers were of opinion that the man was perfectly sane, and yet they were obliged to keep him. He was not sure that the medical superintendent was not liable to an action.

Mr. BRUCE said, he thought if the sentence had expired and the man was sane those who detained him would be liable to an action. With regard to the general question, there was the greatest possible difficulty in providing at Broadmoor for the criminal lunatics sent there, and the managers were most desirous of transferring them to the counties chargeable with their support. There was, however, great force in the appeal of his hon. Friend, and he would undertake to see to it.

Vote agreed to.

(18.) £15,750, to complete the sum for Miscellaneous Legal Charges in England.

Mr. NEVILLE-GRENVILLE asked, how it happened that additional revising barristers were always wanted, and why the number of days during which they were required was always the same?

Mr. BRUCE said, that was the best Estimate that could be made; he would not undertake to say all the money would be spent.

Vote agreed to.

(19.) £55,675, to complete the sum for Criminal Proceedings in Scotland.

(20.) £42,767, to complete the sum for Courts of Law and Justice in Scotland.

Sir COLMAN O'LOGHLEN said, that in Scotland there were Courts called Sheriffs' Courts; but though the office was one of very great importance—more important, in fact, than that of the

Judges of the County Courts in England or Ireland—the sheriff himself did not discharge the duties of the Court, but they were discharged by an officer called the sheriff-substitute. Now it appeared, from what had taken place the other night, that this sheriff-substitute might himself appoint a deputy, of whom the Law Officers of the Crown might know nothing. What he (Sir Colman O'Loughlen) desired to know was, if it was true that the sheriff-substitute had the power to appoint any person as his deputy whom he thought proper, so long as he was a barrister of five years' standing? If such was the case, he thought it was an abuse which ought not to be allowed to continue. In England a County Court Judge could only have a deputy appointed by the Lord Chancellor, and there was the same practice in Ireland. In his opinion there ought to be some power conferred so that in Scotland the appointment of a sheriff-depute might be controlled and the sheriff-substitute might not be allowed to appoint whoever he liked. The power to appoint a sheriff-depute ought either to be in the hands of the Lord Advocate or one of the Judges.

THE LORD ADVOCATE said, the information on which his right hon. and learned Friend had made his statement was not altogether accurate. In the first place, he was wrong in his assumption that the duties of the Sheriff Court were performed by the sheriff-substitute and not by the sheriff. The office of sheriff was a very important one, and in many of the counties in Scotland the duties were very onerous. The sheriff had, by Act of Parliament and by the terms of his commission, power to appoint a substitute. It was a question whether the power to appoint a sheriff-substitute should continue as at present in the hands of the sheriff, or whether it might not conduce to the public service to transfer the patronage to the Crown. From the sheriff-substitute there was an appeal to the sheriff, and the appeals were very numerous. It was not accurate to suppose that the appointment of the sheriff-depute was made by the sheriff-substitute. There was very rarely occasion to make such an appointment at all; but when the occasion did arise, the appointment was made by the sheriff, and not by the sheriff-substitute. If the sheriff-sub-

Sir Colman O'Loughlen

stitute was ill or unable to attend to his duties from some temporary cause, a deputy was appointed by the sheriff. He did not think there was anything in the present state of matters to call for legislative interference—it might be worthy of consideration, but he had no proposal to submit.

Vote agreed to.

(21.) £22,740, to complete the sum for General Register House, Edinburgh.

SIR EDWARD COLEBROOKE said, that although this sum seemed a very considerable one, it would appear from the account that it was not a Vote of public money, the expenses of the department in question being more than sufficiently provided for by the receipts and fees. This subject had given rise to dissatisfaction, because the Scotch people felt that they were practically taxed for a larger amount than was sufficient to maintain the establishment. It was urged some time ago that it was quite impossible to introduce any reform of the Register House until all the registers were united, and power was given to the Treasury as soon as that should take place to apply a remedy to the state of things complained of. What was asked for was that the fees should be so reduced that after paying the expenses of the department there should be no surplus to go into the general Exchequer of the country. The public had a full right to the benefit of reduced fees if the receipts of the department would justify it. In his opinion the time had come when the Treasury ought to act upon the power which they had, and reduce the fees.

MR. M'LAREN asked what was the exact amount paid to the retired officers throughout Scotland, and whether the payments which had been made had been taken out of the fees? The expenditure of the present year was £30,200, while the receipts were £39,500, leaving a balance of £9,300, and there was a similar surplus last year. He feared that out of these balances had been paid the retiring allowances of those registrars whose offices had been brought to Edinburgh. If this was the case, the amount of the retiring allowances ought to be stated in the Estimates. As to the general balance, it was altogether wrong that it should go into the public purse. The Act of Parliament distinctly

stated that the surplus was to be applied to the reduction of the fees, and no one could defend the appropriation of the money to any other purpose.

MR. SINCLAIR AYTOUN said, he quite agreed with the hon. Member for Edinburgh. It was unjust that the landed proprietors of Scotland should contribute in this way a large sum to the national Exchequer. It was the duty of the Government at once to reduce the fees.

THE LORD ADVOCATE agreed that the fees in this Court ought not to be a source of revenue, it having been provided by the Act of Parliament, passed three years ago, that they should be adjusted so as to meet the expenses of the department as nearly as could be calculated, and he regretted that hitherto no steps had been taken towards their reduction. He was informed by the Secretary to the Treasury that the retiring allowances were paid out of the general funds of the country, but no such account was kept as enabled him to set that amount against the other. The department was not under his control; but he would do all he could to have justice done.

MR. ANDERSON asked whether steps were being taken to avoid complaints about the backward state of business in the Register House?

THE LORD ADVOCATE said, he was aware that such complaints had been made, and he was sorry to say not unreasonably. The general explanation was that the establishment was very much under-manned, and the duties placed upon the department had been much increased. This was now remedied to a large extent.

MR. BAXTER said, the retiring allowances which were paid last year amounted to £2,646.

MR. M'LAREN said, then it appeared that even after paying the retiring allowances, they had still a surplus. They had disobeyed an Act of Parliament in not applying that surplus to the reduction of fees, and the Chancellor of the Exchequer had put the money into his pocket. He trusted that it would be paid back.

Vote agreed to.

(22.) £18,987, to complete the sum for Prisons in Scotland, &c.

(23.) £59,403, to complete the sum for Criminal Prosecutions, &c., Ireland.

(24.) £33,903, to complete the sum for the Court of Chancery, Ireland.

(25.) £22,377, to complete the sum for the Superior Courts of Common Law in Ireland.

(26.) £6,470, to complete the sum for the Court of Bankruptcy and Insolvency in Ireland.

(27.) £9,721, to complete the sum for the Landed Estates Court, Ireland.

(28.) £8,526, to complete the sum for the Court of Probate in Ireland.

(29.) £1,540, to complete the sum for the Admiralty Court Registry, Ireland.

(30.) £11,508, to complete the sum for the Office for Registration of Deeds in Ireland.

(31.) £2,316, to complete the sum for the Office for Registration of Judgments in Ireland.

(32.) £73,673, to complete the sum for the Dublin Metropolitan Police.

(33.) Motion made, and Question proposed,

"That a sum, not exceeding £693,200, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Constabulary Force in Ireland."

MR. FIELDEN observed, that a large sum was put down for pensions, and that the increase over the amount asked for last year was £10,442. He objected to the increase, and moved that the Vote be reduced by that amount.

Motion made, and Question proposed,

"That a sum, not exceeding £682,818, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Constabulary Force in Ireland."—(Mr. Joshua Fielden.)

THE MARQUESS OF HARTINGTON said, that the pensions were granted under Act of Parliament, and he scarcely believed that the hon. Member for the West Riding would persist in his proposal to deprive the men of the pensions they had earned, and on the faith of receiving which they had been induced to enter the service.

MR. NEVILLE-GRENVILLE said, that the amount of pensions was certainly enormous, and was increasing at the rate of £10,000 a-year. It already amounted to £120,000; whereas the pay of the force only amounted to £567,000.

MR. RYLANDS said, that these pensions were a difficult matter to deal with,

as they were granted under an Act of Parliament; but the Government should take speedy steps to deal with the whole question of pensions and retiring allowances.

MR. M'LAREN said, he would call attention to the fact that while the sum voted for the whole police force of Scotland was only £45,000 a-year, the pensions to the police force in Ireland amounted to no less than £121,000.

MR. CANDLISH said, he considered 22 per cent a most enormous amount for pensions and retiring allowances. The police force of Ireland absorbed upwards of £1,000,000, more than twice the amount of England, Wales, and Scotland, and he hoped the whole question would be looked into by the Government, with a view to the reduction of that enormous charge.

MR. ALDERMAN LUSK thought the Vote a most extravagant one.

THE MARQUESS OF HARTINGTON admitted that the Vote was a large one; but there were large questions involved. Was the House prepared to accept the alternative of greatly reducing the police force in Ireland, or asking Ireland to defray the whole expense of the constabulary, to whose efficiency everyone bore witness, and to substitute local for Imperial management of the force?

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(34.) £35,400, to complete the sum for Government Prisons, &c., Ireland.

(35.) Motion made, and Question proposed,

"That a sum, not exceeding £30,323, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Maintenance of Prisoners in County and Borough Gaols, and for the Expenses of Reformatories and Industrial Schools in Ireland."

MR. VANCE said, he must object to the system pursued in the Industrial Schools of Ireland. 18,000 Roman Catholic children had been sent there, while there were only 123 children belonging to every other creed. Practically a denominational education was thus given to the Roman Catholic children, contrary to the national system, which he hoped no Government would ever consent to alter. He moved the reduction of the Vote by the sum of £10,000.

Mr. Rylands

Motion made, and Question proposed;

"That a sum, not exceeding £20,323, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Maintenance of Prisoners in County and Borough Gaols, and for the Expenses of Reformatories and Industrial Schools in Ireland."—(*Mr. Vance.*)

MR. GOLDSMID expressed a warm approval of the Irish Industrial Schools, which had introduced greater habits of industry among certain classes of the Irish people. He cordially hoped that the amount of this Vote would be increased next year.

MR. CONOLLY said, he had never heard a more unjust statement respecting these schools than that which had fallen from the hon. Member for Armagh. The reformatories had done most excellent work in Ireland. The Roman Catholics were deserving of praise for looking after their juvenile criminals better than their Protestant fellow-countrymen did.

MR. VANCE said, he would explain that the children in the Industrial Schools were not criminals. The reformatories might have done very good work, but that was not the case with the Irish Industrial Schools.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(36.) £4,200, to complete the sum for Dundrum Criminal Lunatic Asylum, Ireland.

(37.) £1,880, to complete the sum for the Four Courts Marshalsea, Dublin.

(38.) £6,670, to complete the sum for Miscellaneous Legal Expenses in Ireland.

House *resumed*.

Resolutions to be reported *To-morrow*;

Committee to sit again *To-morrow*.

And at Seven of the clock the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

NEW FOREST.—RESOLUTION.

MR. FAWCETT, in rising to call attention to the subject of the New Forest, and to move—

"That, in the opinion of this House, pending legislation on the New Forest, no felling of ornamental timber and no fresh inclosures should be

permitted in the New Forest; and that no timber whatever should be cut, except for the purposes of thinning the young plantations, executing necessary repairs in the Forest, and satisfying the fuel rights of the Commoners,"

said, the Motion which he should bring before the House represented the almost unanimous feeling of the independent Members, and he believed, from the communications he had received, that the Government were equally as anxious as they that the Motion should be passed. He did not intend in the slightest degree to fetter the action of hon. Members, because, whatever might be their opinion as to the future use of the Forest, he should not think it fair to ask them to prejudge the case. All that he desired was to obtain an expression of opinion that, until the Government had had an opportunity of legislating on the subject, if any legislation were necessary, nothing should be done that would injure the Forest, or affect its present condition. Anyone who visited the New Forest must come to the conclusion that the time had arrived when the House should express an opinion on the subject, and that nothing should be done to destroy what remained of beauty there, or to injure it as a place of resort. The destruction of ornamental timber there had been truly lamentable, but that Forest might still be considered to be one of the most beautiful spots in England, and he desired that the House should say that further spoiling of the picturesque ought not to be effected. As future legislation on this subject would be materially affected by the quantity of land that was inclosed, and as such inclosure diminished the area that could be enjoyed by the public, besides destroying the beauty of the Forest scenery, he thought it only fair for the House to say that pending legislation no further inclosure should be made. In the latter part of his Motion he had deemed it necessary to insert a few qualifying sentences, because he knew that there were certain rights as to fuel that must be exercised, and also because it might be necessary to thin the plantations. As he believed the Government intended to accept his Motion, he should have thought it unnecessary to make any further remarks on the subject, had it not been for the Paper which had just been issued by Mr. Howard, of the Woods and Forests Department, for that had

conveyed to the minds of some hon. Members an impression that even if this Resolution was passed it would produce no practical effect. He did not intend to discuss that Paper, but would only say that if the House and the Government expressed an opinion on the subject that no more timber ought to be felled, and no further inclosure should be made until there had been an opportunity of legislating, Mr. Howard, as an official serving under the Government, and representing a Department, would pay some attention to the Resolution, which would, therefore, have an important practical bearing. He would, therefore, conclude by moving the Resolution of which he had given Notice.

MR. CLIFFORD, in rising to second the Motion, said, it was only the other day his illustrious friend the Poet Laureate had informed him that he had gone down to the New Forest to search there for an ancient wood of yews, which had existed since the time of William the Conqueror; but all trace of them was gone. He himself (Mr. Clifford) had made inquiries about this wood, and had learned that it had been sold to a merchant at Lyndhurst for £60. The fact appeared to be that the New Forest was held in no more esteem by the Woods and Forests than the yellow primrose by Mr. Peter Bell. This Forest, however, which was first created for the diversion of a Norman tyrant, was now a most magnificent pleasure park for the people of England, who found there that rural enjoyment which the richer classes sought in Scotland and other places, and as such it ought to be maintained. They were under a deep obligation to the hon. Member for Brighton for bringing that matter forward, and he thought the Resolution of the House ought to declare, beyond any doubt, that there should be no further encroachment on the Forest. He had the pleasure of knowing Mr. Howard, and he believed that a more excellent or more conscientious public servant, as far as regarded the question of pounds, shillings, and pence connected with his office, did not exist anywhere. Still, it was very necessary for the House to look closely after that office. He did not want to say anything more disagreeable to a Ministry than he could help; but it was to the efforts of the hon. Member for Southwark that they were indebted for the Thames Embankment.

Had not that hon. Member brought the subject before the House, they would not at this moment have had a continuous Embankment, because the Government of the day, by means of the Office of Woods and Forests, had wished to prevent the Embankment from passing by Richmond Terrace. It was very essential that the House should guard against the encroachments of that Department.

Motion made, and Question proposed,

"That, in the opinion of this House, pending legislation on the New Forest, no felling of ornamental timber and no fresh inclosures should be permitted in the New Forest; and that no timber whatever should be cut, except for the purposes of thinning the young plantations, executing necessary repairs in the Forest, and satisfying the fuel rights of the Commoners"—(*Mr. Fawcett.*)

SIR CHARLES W. DILKE, in rising to move the Amendment of which he had given Notice, to move as an addition to the hon. Member for Brighton's (*Mr. Fawcett's*) Resolution, "Also that Denny Wood should be restored to its former condition as an open forest land," said, that hon. Members who took an interest in the preservation of the New Forest might remember that some weeks ago he put a Question relating to the inclosure of Denny Wood to his hon. Friend the Secretary to the Treasury. That Question was not put without some knowledge of the facts, nor was it framed without a certain care; but the answer of his hon. Friend, although remarkable for that clearness and that precision which always distinguished his answers, was not of a satisfactory nature, and was not, he (*Sir Charles W. Dilke*) feared, founded upon an adequate knowledge of the case. The Question that he put to his hon. Friend was divided into two parts. In the first portion of it he asked him whether Denny Wood was originally inclosed with a view to felling and planting, and he was told by him—

"That it was intended originally only to fell such trees in Denny Wood as were dying or defective, and to replant their sites."

If that were so, the course taken was illegal. Sections 3 and 4 of "The Deer Removal Act" authorized the Crown to "inclose and plant," but so that all inclosures "should be made and reported a nursery for timber and trees only." The Crown had violated certainly the spirit and, he thought, the letter of these sections. It obtained the power to in-

close Denny Wood from the New Forest Inclosures Commissions under Section 3 of "The Deer Removal Act," on the implied faith that it intended to convert the inclosure into a nursery for trees. But finding that if the Act was complied with the value of the property would undergo a great depreciation, and hoping to secure the inclosure as part of the property of the Crown, freed from common rights and from all public rights, the Crown left the inclosed land alone; and when the commoners said, "If you inclose, you are bound to plant," it answered, "If you press us, we will cut the trees." The Commissioners refused to tell them why Denny Wood was inclosed. They thought, and had every reason to think, that they wished to retain that beautiful wood as a choice and compact estate in itself, with a view that it should ultimately pass to the Crown, unincumbered with rights of common, or other public rights. That this was the correct view was established by the provisions of the Bill now withdrawn. Section 41 provided that the Commissioners should not allot to the commoners "any land which is now inclosed under the authority of the recited Acts"—that was, all existing inclosures, including Denny Wood, were, on the passing of that Bill, to vest in the Crown, as provided by the 46th section, "as part of the possessions and land revenues of the Crown, absolutely freed from all rights of common." He repeated, before he left that branch of the subject, that the Crown had no power to inclose open forest lands over which commonable rights were exercised, except by virtue of statutory powers. The statutes provided that inclosures were to be made for the purpose of planting only. That was not so as to Denny Wood, for there no planting had taken place, and as to the greater portion of it—that part covered with old timber—Mr. Howard long ago promised that no felling, and consequently no planting, should take place. He again asked, therefore, why and how, legally speaking, had Denny Wood been inclosed? A local answer was given, that it was inclosed in order to allow self-sown timber to spring up. If so, that was illegal; but he had been told upon the spot, that the only self-sown timber that was ever seen in the New Forest now was Scotch fir, and that the cones were found stuck in rows in the ground a long way from

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the trees from whence they came. They might be self-sown; but the self-sowing process was aided by Her Majesty's keepers and Her Majesty's carts. He now came to the other part of his Question, in which he asked whether, now that no more cutting of ancient timber was for the present to take place in the New Forest, Denny Wood should be restored to its former condition, as open forest land. He was told, in answer to that, that the Commissioners had power only to throw open the inclosure when "the young trees were past danger from cattle." What young trees? There were no young trees. The only trees not ancient timber in Denny Wood were some trees in an inclosure of 1829, called, he thought, "Little Holme Inclosure." But his Question and the Answer could not relate to these, and for two reasons. They were not in Denny Wood Inclosure, but in an old inclosure within it, and if all the posts and rails and banks and gates round Denny Wood were to be thrown down, the cattle would nevertheless not get into this inclosure of 1829. His second reason was so much stronger, that he was reminded of the 21 reasons of the Mayor of Bayonne for not giving the keys of the town to Henri IV. of France, ending with the 21st—"There are no keys." It was this—that in the map of 1867 they would find that that inclosure was to be thrown open in 1869, as out of danger of cattle. That had not been done, because it was inside this very Denny Wood Inclosure. Really it was rather too bad to make that an excuse for not throwing open the latter. Now, what was Denny Wood? It was one of the most beautiful woods in the whole world. It was not like Mark Ash—a wood of beech only, but was mixed wood of beech, and birch, and oak. It was close to the railway, and therefore well within reach of pleasure-seekers. Several beautiful forest paths, much used by picnic parties, had been stopped up by a fortification-like fence, through which there was not a single gap. The whole of the gates had padlocks, and the whole of the padlocks were locked. Even if the cattle were to be excluded, he could not see why the walking public should be entirely blocked out. A private landowner would not be guilty of so gross a sin against public enjoyment of the most innocent kind. The fence was such that none but active youths

could climb over it in any place, and for women, children, and old people, it was impassable. In trying to find an open gate, he saw the wanton destruction which, in making this inclosure, the Crown had wrought. The fence had been carried right through the best portion of the wood, and all the trees near it on either side were felled, and vast numbers of giant beeches and huge oaks laid still on the ground, unsold. He had one thing more to say. Denny Wood was a henry—a place where herons often bred. Near to it was a marsh, known as the Bishop of Winchester's Purlieu. The herons were for the sport of the Bishop for the time, and the marsh was granted to—not the present Bishop he believed—but some ancient Bishop of a sporting turn, who induced a King to grant to him for hawking purposes as much of the marsh as he could crawl round in a day. He was sure that that House had too much respect for the right reverend Bench to permit the destruction of the herons that resorted to the Bishop of Winchester's Purlieu. But, seriously, he should take the opinion of the House on the preservation of Denny Wood. He would conclude by moving the Amendment to the Resolution of the hon. Member for Brighton, of which he had given Notice.

MR. W. FOWLER seconded the Amendment.

Amendment proposed,

At the end of the Question, to add the words "also that Denny Wood should be restored to its former condition as open forest land."—(Sir Charles Dilke.)

Question proposed, "That those words be there added."

MR. BAXTER said, he was glad to find that the management of the Office of Woods had been admitted to be satisfactory in a pecuniary sense. The hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) stated that Denny Wood had been illegally inclosed, and that there were no young trees in that plantation. Those allegations rather surprised him, because the Commissioners of Woods and Forests distinctly held that they were bound by statute to inclose a certain portion of the New Forest every year, and that they had only acted in accordance with the Act of Parliament. He hoped his hon. Friend would not press his Motion to a division, be-

cause he (Mr. Baxter) had heard for the first time that evening that there were no young plantations in Denny Wood. Under the circumstances of the case it would become the duty of the Treasury to inquire carefully into the matter and to see who was right and wrong with respect to it. As to the padlocks which had been spoken of, he admitted that they ought to be at once removed, and he hoped the Commissioners of Woods and Forests would give directions to have them taken away. As to the Motion of the hon. Member for Brighton (Mr. Fawcett), the Government could not of course help accepting it, for it was couched in the precise terms of an Answer to a Question which he (Mr. Baxter) had himself given; and although it was rather an unusual thing to found a Motion upon an Answer given by a Member of the Government, yet the Treasury could not object to the Motion because they intended to take the precise course which he had stated in that Answer. That hon. Gentleman had, in the course of his remarks, animadverted on a Paper which had been laid on the Table of the House, and the Government saw no objection to the publication of the Report. He wished the House at the same time to understand that Mr. Howard was alone responsible for what he thought and said, although the Treasury were responsible for what he did.

MR. ALDERMAN W. LAWRENCE said, that the Paper in question gave but little information with respect to the mismanagement of the Crown lands to which it referred during several centuries. It was, indeed, a very curious document; for the remarks in it were not confined to the New Forest. It was rather a manifesto than anything else of the principles on which Mr. Howard and Mr. Gore managed the Crown lands under their charge. But those who were really responsible to the country had not stated the principles on which, in their opinion, those estates ought to be managed. The Commissioners of Woods and Forests contended that they were trustees for the lands in question, and that they were responsible to no one; but the right hon. Gentleman the Chancellor of the Exchequer acknowledged that he was responsible for their acts, and he ventured to think the Commissioners had entirely mistaken their position, and that the Government, too, mis-

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took the position in which the Crown estates stood towards the public at large. It was never intended, he maintained, that they should be trustees of the Crown property. The division of that property which was made between them and the First Commissioner of Works, had been made simply for the convenience of management, and no one would, for a moment, contend that the First Commissioner was a trustee for the Crown estates under his charge. There was, in fact, in that respect, no difference between Hyde Park and Epping Forest, both of which were Crown lands. The right of the Crown to recreation in its parks and forests had enabled the people to have recreation in them also, and he must say the Government were, in his opinion, ill-advised when they endeavoured to divorce the two. The Crown Lands Commissioners had excited a strong feeling against themselves by the spirit which had led them to issue this Paper, for they had shown themselves determined to sacrifice the rights and the recreations of the Sovereign and the people, in order to carry out the principle of adding to the income derivable from these lands whenever the opportunity arose. What the Crown Lands Commissioners appeared to say was that, though they were sorry to disobey the wishes of Parliament, they were unable to act differently until a new Act of Parliament had been passed. The responsibility, however, was clearly vested in the Treasury, and it was impossible for the Treasury to shift that responsibility upon those who, after all, were only their subordinates. He thought the House ought to be told not only in what manner the Commissioners had been authorized to give their opinion, but they ought to be put in possession of the Correspondence between the Treasury and the Commissioners which had led to the issuing of this Paper. The Paper itself would, doubtless, at some future time furnish a bill of indictment against the Commissioners for the way in which they had acted in regard to Epping Forest, in having allowed it to slip out of the hands of those who were formerly able to take their recreation there. He submitted that it was not right any particular locality should be deprived, as they had been latterly, of a privilege which they had enjoyed for centuries. He was, however, exceedingly pleased that this Paper had been issued, because they

could afterwards discuss the matter more easily, and possibly bring the Government to acknowledge that there ought to be some actual responsibility in the management of those estates, and that to the objections which were urged against the conduct of the Commissioners it was no answer to say that these lands were tied up as trust estates, and could not otherwise be dealt with.

Mr. HAMBRO said, he had been content to accept the intimation of the Government that they would agree to the proposal of the hon. Member for Brighton (Mr. Fawcett); but, after the publication of that extraordinary Paper, he trusted the hon. Member for Chelsea (Sir Charles Dilke) would press his Motion to a division.

LORD HENRY SCOTT said, he was glad that the Government had assented to the Motion of the hon. Member for Brighton (Mr. Fawcett). Within his own recollection allotments of beautiful woodland had been made simply that the timber upon it might be cut down, and in the face of such a state of things it was of the utmost importance that the inquiry with regard to Denny Wood should be pursued by the Government. It was true that the Department of Woods and Forests produced each year a satisfactory balance-sheet, so far as mere financial results were concerned; but this was only accomplished by cutting down and selling large quantities of noble timber that ought to be let stand. It was true that little or no timber had been felled since 1864; but previous to that year the average annual value of the timber cut down for several years ranged between £10,000 and £15,000. In addition to that, there were entries in the accounts of £3,000 for fuel, which meant that the beautiful beech trees in the Forest were felled and sold at the rate of 3*d.* a foot to be chopped up and sold as firewood. And all that destruction of forest trees, which were, in actual fact, monuments, both valuable and beautiful, had been carried on for no earthly reason, so far as he was able to judge. He could not go so far as to say, with the hon. Baronet the Member for Chelsea (Sir Charles Dilke), that Denny Wood was illegally inclosed, because the inclosure was directed by Commissioners legally constituted and invested with power to act as they did; but as land containing old wood was usually, if not

invariably, inclosed for the simple purpose of cutting down the old trees and planting young ones, he should be inclined to hold that the inclosure in question was illegal if any other course was pursued. He must say that, having only recently visited Denny Wood, he failed to see any young trees growing there. It was important, too, that the House should be told plainly who was responsible for the conduct of the Department of Woods and Forests. Unless that was done, hon. Gentlemen would not know in what light to regard the Papers occasionally issued, as the one placed in the hands of hon. Members on the preceding day had been, by the officials in the Department. The last document issued in 1867 was about the most unfair statement of the relative position of the Crown and the commoners that could have been written. It was, in fact, an *ex parte* argumentative legal statement, drawn up by the Solicitors to the Department, for the purpose of prejudicing the interests of the commoners, and he contended that it was unfair to issue any such document with all the authority of Parliament. The Paper just issued, too, was almost as full as its predecessor of partial extracts and one-sided statements of fact; but there was no one in that House to defend the authority and accuracy of the statements made. It would, therefore, be advisable that one of the Commissioners of Woods and Forests, who should be responsible alike for the finances and the conduct of the Board, should have a seat in that House, and unless he was much mistaken there was a clause—namely, section 21 of 10 Geo. IV. c. 60, which provided for that.

THE CHANCELLOR OF THE EXCHEQUER said, the clause of the Act in question had been repealed.

LORD HENRY SCOTT said, that if this was the case he hoped the Government would carefully consider the question and provide for the direct representation of the Department in Parliament in some way. He would revert to his statement that the Paper recently circulated was full of inaccuracies, and would say that some of the passages contained in it were not even what they purported to be—namely, correct copies of documents. For example, there was a quotation from the Act of William III., but the words “2,000 acres” were omit-

ted, and the words "inclosures, or within inclosures to be hereafter made" substituted, and there were many other alterations of the same kind. Again, these gentlemen gave a quotation from the Report of the Commissioners of 1789; but left out that portion which told immensely against themselves. There were likewise misquotations respecting inclosures in the Act introduced by the Government this Session. Some of these inclosures were 4,000 or 5,000 acres in extent, and the public were prevented from walking through them, although no harm could possibly result from their being allowed to do so. In conclusion, he thanked the hon. Member for Brighton for bringing in this Motion, and expressed his hope that the Government would accede to it, as well as to the Amendment of the hon. Baronet the Member for Chelsea, which he should certainly support, if the hon. Baronet went to a division upon it.

MR. COWPER-TEMPLE said, he hoped the Motion which had been acceded to by the Government would admit a little light into the recesses of the Office of Woods and Forests. In the remarkable Paper which had been placed on the Table, the Commissioner of Woods stated that it was his duty to manage the Forests for the benefit of the public, but he took a different view from that entertained by the majority of hon. Members as to what the interests of the public really were. He repudiated any benefit but a pecuniary one. When the Commissioner had to deal with some of the most magnificent beech trees in this country, he seemed to think the best thing he could do for the interests of the public was to cut them down and sell them for firewood. It did not seem to have occurred to him that the public could possibly care for the Forest as a natural landscape, of which the country was proud. No one in this House ever alleged that the public money was wasted when it was expended in purchasing the productions of great landscape painters for the National Gallery; but the Commissioner could not believe that the public approved of the expenditure of money for the purpose of preserving the finest natural landscape existing in England. He wondered whether the Commissioner, if he had the charge of the National Gallery, would sell the pictures for what the canvas and

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paint would fetch; or whether, if he had the management of the British Museum, he would sell the Elgin Marbles for the value of the marble of which they were composed. The progress of inclosure, and improvements in agriculture, were rooting out the beauty and charm of the wild scenery in England, and as this was the only large Forest still open freely to the public, it was their duty not to sacrifice wantonly and unnecessarily the beauty of the scenery, nor to allow the destruction of ancient and matchless trees, in order that their places might be taken by young saplings, which might as well be planted in other situations. The British public delighted in the picturesque, and surely it was impolitic to drive them abroad in search of it? He hoped that henceforth it would be a recognized principle among the official arbiters of the fate of this Forest that it was not to be wantonly and carelessly destroyed, but that it was to be preserved, as far as was consistent with the rights of the Crown, for the healthful enjoyment and pleasure of the public. In conclusion, he would urge that there was no part of England better adapted for the training of troops and for military manœuvres as the New Forest. It presented inequalities of surface, open spaces, and woods; it was in the vicinity of the garrisons of Portsmouth and Winchester; and a national interest would be served by preserving it as a place for military manœuvres.

SIR HARRY VERNEY also urged that no part of England was so important to the country for campaigning manœuvres. It not only presented every variety of surface, but it was also near the sea, and therefore available for the purposes of embarkation; and, in fact, it was adapted to all those tactics which had brought the Prussian Army to such perfection. He hoped, therefore, the House would not permit the destruction of that beautiful district, which was the best exercising ground in the whole country. The very Paper of Mr. Howard proved that the Commissioners of Woods and Forests were really unfit to be intrusted with the management of the New Forest.

MR. BERESFORD HOPE said, he trusted the hon. Baronet the Member for Chelsea (Sir Charles Dilke) would withdraw his Motion, in order that it might go forth to the country that Par-

liament had unanimously determined to preserve the New Forest for the recreation of the public. After the announcement from the Treasury bench that the padlock should be taken off the inclosure to Denny Wood, it would be a bold Government indeed that would continue the course of demolition which had been going on in that wood. The Paper of Mr. Howard gave them some very trite advice as to the duties of proprietors with regard to the property they held, and as to the responsibility of the officers of the Government to the taxpayers of the country. All that advice was already anticipated by the A B C of constitutional Government or of Ministerial management. What they did want was something in the Paper which would clear their minds and free their apprehensions as to this particular exceptional property of the Crown, of which the most ornamental portion, by the mismanagement of the very Department now on its trial, had diminished to 6,000 acres. Before the ill-omened legislation of 1851, the ancient wood land covered 9,000 acres; so that it had been reduced by 3,000 acres since that time. In regard to the question why were there the two Departments of Woods and Forests and of Public Works, he thought the answer was contained in the intention of Parliament, that certain property in the country should not be administered regardless of benefit to the public on the one hand, and of the honour and dignity of the realm itself on the other. Therefore it was that, the Royal Parks of London and similar property being at present under the administration of the Office of Public Works, the argument of Mr. Howard's Paper fell to the ground. Parliament having decided that there were certain provisions to be applied to the public Parks, it was only a question whether the woods of the New Forest should be thrown into the ordinary category of woods and forests, or whether they should be put under the footing of Kensington Gardens and Hyde Park. He claimed that those ancient groves of the New Forest should be dealt with as park land, not as wood land. He was, to a large extent, a proprietor of woodland property, and therefore he was not speaking in ignorance of his subject; and he claimed that the noble old woodland of the New Forest, with its trees of gigantic size, and of an age that

was dated by centuries, should be treated as a park.

Mr. SCLATER-BOOTH said, it had always been his opinion that when the question of the New Forest came to be discussed in that House the sentimental view of the subject would be found to prevail. At the same time, the right hon. Member for South Hampshire (Mr. Cowper-Temple) must be perfectly aware that there were numerous inhabitants of that division of the county who would be glad to see a portion of the New Forest sold in lots and appropriated to agricultural purposes. It had fallen to his lot to have to deal with the case of the New Forest; and it was at his suggestion that the Government of the day refused to allow a Disafforestation Bill to be introduced. When, at the beginning of the Session, a Bill was laid on the Table, he took the liberty of suggesting that the hon. Member for Brighton (Mr. Fawcett) might come to the rescue, and that by aid of the section of the House in which he occupied so distinguished a position, the disafforesting of the New Forest might be put entirely out of the question. It had been a practice of that House to bear hardly and unnecessarily on the Commissioners of Woods and Forests with regard to the property of which they had charge. That, he thought, was unjust. It was clearly unjust that they should be found fault with for doing what he believed they considered to be their duty. The disafforesting of the New Forest was forced upon the Commissioners by the residents of the New Forest, who quarrelled with the Act of Parliament that was passed in their interests and at their suggestion. He always felt that the House would take the question into its own hand, and would, at the proper time, interfere to prevent the disafforesting of the New Forest. He now understood that the wild and wooded district of the New Forest would be left in its integrity.

Mr. M. CHAMBERS said, he was glad that some progress was being made with this question, and that an understanding was likely to be arrived at about the management of these forests. The House had had placed before it a manuscript of the recollections of one of the managers of the Woods and Forests. "Oh, that mine enemy would write a book!" because a perusal of that manuscript must

convince every hon. Member that the forests were being mismanaged, and, however polite they might desire to be towards the Commissioners, the House must be determined; while the Government ought to consider whether the present arrangements for managing Crown property ought to be continued. The assent to the Motion that had been given by the Government must convince all that a change was necessary, and the unanimity of opinion that prevailed among hon. Members was the condemnation of the Commissioners.

MR. FAWCETT said, he was desired by the hon. Baronet the Member for Chelsea (Sir Charles Dilke) to state that he wished to withdraw his Amendment, in consequence of the satisfactory promise of the Government to give up the padlocks on Denny Wood. He explained, in reference to the statement that had been made by the Secretary to the Treasury, that he did not desire to express the least want of confidence in anything that his hon. Friend might say; but it must be remembered that the answer which was given by a Minister was to a certain extent his individual opinion, but a Resolution of the House was a formal matter, and recorded as the expression of the opinion of Parliament. The House, he thought, would be of opinion that he was right in bringing forward that Motion.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Resolved, That, in the opinion of this House, pending legislation on the New Forest, no felling of ornamental timber and no fresh inclosures should be permitted in the New Forest; and that no timber whatever should be cut, except for the purposes of thinning the young plantations, executing necessary repairs in the Forest, and satisfying the fuel rights of the Commoners.—(Mr. Fawcett.)

ARMY SERVICE ABROAD.

MOTION FOR AN ADDRESS.

MR. W. M. TORRENS moved—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that measures be taken to prevent as far as practicable Soldiers enlisted in any Regiment of Cavalry or Infantry of the Line, being called upon to serve Her Majesty out of the United Kingdom, who shall not have attained the age of twenty years."

Motion agreed to.

Mr. M. Chambers

Resolved, That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that measures be taken to prevent as far as practicable Soldiers enlisted in any Regiment of Cavalry or Infantry of the Line, being called upon to serve Her Majesty out of the United Kingdom, who shall not have attained the age of twenty years.—(Mr. W. M. Torrens.)

CHARITIES, &c. EXEMPTION BILL—

[BILL 23.]

(Mr. Muntz, Viscount Sandon, Mr. Wheelhouse.)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [10th May], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Mr. Harcastle.)

Question again proposed, "That the word 'now' stand part of the Question."

Debate resumed.

MR. MUNTZ said, he expected his right hon. Friend the Secretary of State for the Home Department would have given some reason why he did not proceed with the Bill he had introduced for abolishing all exemptions from payment of rates. He might assume, however, that that measure was withdrawn because there was not the remotest chance of its being carried. Two years ago, he might remark, the principle of the exemption of Sunday schools was carried in that House by a majority of 120, and he now had to ask the House to pass that Bill, the object of which was to exempt from the payment of poor rates charitable institutions which were supported solely by the voluntary contributions of the public, and likewise to exempt hospitals and other similar institutions, with the consent of the vestry, from the payment of those rates which now threatened to destroy several of them. The Bill merely re-enacted the old law of the land.

MR. GOSCHEN said, he was sorry that it was impossible for the Government to accept the Motion of the hon. Member, who erroneously supposed that he would by this proposal re-enact the old law. He provided that it should be permissive for vestries or the other authorities to decide what particular charities should be exempted, and the effect of that would be to raise a debate

—which would be often, he feared, of an acrimonious nature—in every parish as regarded the merits of every charity it possessed. This would be highly undesirable. It would be impossible in many cases to define, as the clause would require, whether a charity conducted in any way to the private profit or advantage of the occupier, because many charitable hospitals were supposed to have been established as an advertisement for those who conducted them. The Government had been prepared, at considerable cost to the Revenue, to abolish all exemptions; but, by making an exception in favour of property devoted to certain public, though charitable, purposes, they would destroy the whole principle, which would otherwise enable them to tax public property for local purposes. The Motion was conceived in a benevolent spirit, but it was impracticable. The Government in resisting it had no wish to check the course of charity; but it could not be carried into effect without involving injustice.

MR. DIXON said, he thought the difficulties of carrying the scheme into execution could hardly be so insuperable as the right hon. Gentleman the First Lord of the Admiralty imagined, because the Bill would merely re-enact a law which was in force only a few years ago. It was not at all an unreasonable thing on the part of his Colleague to ask that that which had been the practice for so many years should continue to be the practice until a general law was passed. The words of the Bill were copied from the Irish Poor Law Act, and if they were right in Ireland they might be right here. If the permissive provision would not work well, that was not the principle of the Bill, and an alteration could be made; and it might be provided that where a vestry granted exemption in one case, it should be bound to grant it in all similar cases. At all events, that which had worked well for so many years should not be stopped by the mere accident of a Court of Law having given a particular decision in a particular case.

MR. LIDDELL said, he intended to vote against the Bill, because it contained a vicious principle. Until all property bore the burden of local taxation there was little chance of resisting its increase. The Bill of the Government evaded the difficulty of making all pro-

perty liable to the support of the poor, or it would have met with a different reception.

MR. HINDE PALMER said, he approved the principle of the Bill, but thought the phrase “all institutions exclusively used for charitable purposes” rather too wide, while he admitted certain institutions might well be exempted from rates, such as hospitals for the sick.

MR. REED said, the right hon. Gentleman (Mr. Goschen) was the author of the permissive clause affecting ragged schools, and not a single case of difficulty had occurred under it.

MR. SCLATER - BOOTH said, he hoped the House would not pass the second reading, because it was no part of the duty of the House to remit local taxation; and he referred again, as he had done three years ago, in illustration of the injustice that would be done by the Bill to the magnificent pile of buildings, occupying a large site in a poor parish, constructed on the opposite shore of the river by the corporation of St. Thomas's Hospital, one of the wealthiest corporations of the Metropolis and of the world, which was that day (Wednesday) to receive Her Majesty and many hon. Members of that House at a magnificent entertainment.

MR. J. G. TALBOT, in supporting the Bill, said, that no disputes could arise in Boards of Guardians about the class of property to be rated, and the right hon. Gentleman (Mr. Goschen) would appear to have gained but little experience during his two years' presidency at the Poor Law Board if he was of impression that questions of rating could ever arise at the discussions of those bodies.

MR. GLADSTONE said, he must dispute the statement that these charities had from time immemorial been exempt from taxation, for, in point of fact, the exemption was first established in 1859. The Bill granted exemptions to endowed charities, and would, for instance, exclude the Smith Charity, where an annuity was granted to the bearers of that name, and to the Dog Charity, where a man left some money for the support of three dogs, and on the death of one of which a question of survivorship was raised in a Court of Equity. He was therefore opposed to a Bill which, by granting unnecessary exceptions, could

only have the effect of still further burdening the community at large, more especially when in that very Parliament, also, a Resolution had been passed unanimously to place such institutions under the income tax law, a Resolution which was inconsistent with the principle of this Bill, which was also contrary to the old law of this country, as defined by Chief Justice Holt.

MR. HENLEY said, he should vote for the second reading upon the Preamble of the Bill, which was confined to schools and hospitals. The provisions themselves, which were wider, could be set right in Committee.

MR. J. S. HARDY said, he attached no value to the Resolution of the House placing charities under the income tax, as it was carried as a compromise, and probably would not have been carried if the House had had notice of it. There never was any difficulty in vestries deciding what hospitals should be relieved from taxation.

MR. BRISTOWE said, the recent decision in the Mersey Docks case was only an explanation of the Statute of Elizabeth, by which all property was made liable to the payment of poor rates. Not long ago a law was proposed to exempt literary institutions from taxation, but with very little success. He was opposed to the Bill.

MR. A. JOHNSTON said, he must deny that there was anything in the nature of surprise in his Motion, to which the hon. Member opposite (Mr. J. S. Hardy) had referred.

Question put.

The House divided:—Ayes 68; Noes 116: Majority 48.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

HARROW SCHOOL.—MOTION FOR AN ADDRESS.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question proposed [13th June],

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to disallow the Statute now lying upon the Table of the House, by which membership of the Church of England is, for the first time, im-

Mr. Gladstone

posed as a qualification for appointment to the governing body of Harrow School."—(Mr. Trevelyan.)

Question again proposed.

Debate resumed.

After further debate,

Question put.

The House divided:—Ayes 99; Noes 71: Majority 28.

MUNICIPAL CORPORATIONS ACTS (IRELAND) AMENDMENT BILL.

On Motion of Mr. Serjeant SHERLOCK, Bill to amend the Law relating to Municipal Corporations in Ireland, ordered to be brought in by Mr. Serjeant SHERLOCK and Mr. BRYAN.

PUBLIC LIBRARIES (SCOTLAND) ACT (1867) AMENDMENT BILL.

On Motion of Mr. ARMITSTEAD, Bill to amend "The Public Libraries (Scotland) Act, 1867," and to give additional facilities to the local authorities entrusted with carrying the same into execution, ordered to be brought in by Mr. ARMITSTEAD, Sir JOHN O'NEILL, and Mr. KINNAIRD.

Bill presented, and read the first time. [Bill 209.]

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 21st June, 1871.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [June 20] reported.

PUBLIC BILLS—First Reading—Municipal Corporations (Ireland) Amendment* [210].

Second Reading—Sale of Liquor on Sunday [48].

Select Committee—Dean Forest and Hundred of Saint Briavels* [190], nominated.

Committee—Sequestration (re-comm.)* [208]—

R.P.

Committee—Report—Primitive Wesleyan Methodist Society of Ireland Regulation* [143]; Metropolitan Building Act (1855) Amendment* [200].

Third Reading—Glasgow Boundary* [198]; Sasines Register Scotland* [199], and passed.

SALE OF LIQUOR ON SUNDAY BILL.

(Mr. Rylands, Mr. Candlish, Mr. Birley, Mr. Osborne Morgan.)

[BILL 48.] SECOND READING.

Order for Second Reading read.

MR. RYLANDS, in rising to move that the Bill be now read a second time, said, he might remark that the Government measure was altogether one which,

though they might differ from its details, must have satisfied the House as to the desire of Government to deal with that important question, and he felt grateful to the Government for having attempted to deal with a matter affecting so materially the welfare of the country at large. He had hoped, from the course the Government took in regard to that Bill that he should have been relieved from the necessity of troubling the House with the second reading of the Bill which was now before it. The Government proposed some important limitations in respect of the Sunday traffic. They proposed to limit the hours during which publichouses should be allowed to be open on Sunday, with option to the magistrates and ratepayers to close on Sunday altogether, and they also proposed a six-days' licence. It seemed to him that in all these particulars the Bill of the Government was one which was worthy of support, and he regretted very much that, under the circumstances, the Bill was withdrawn before it had been properly discussed on the second reading. The Bill was no doubt withdrawn partly in consequence of the great pressure of Public Business. No doubt the Government wished to meet, as far as possible, the desire of the public to bring about a solution of the drink question. The fact was, however, that they brought forward a larger number of measures than by any probability they could carry through the House. The public generally should understand it was not by any means the occasion of rapid progress of legislation that the Government should bring forward a large number of measures at the commencement of the Session. The Government, he held, ought to be satisfied with attempting less, and the probability was, by attempting less they would accomplish more. No doubt the Bill was also withdrawn in consequence of the great opposition which was excited throughout the country by those who were enlisted in the trade. He hoped, however, the experience the Government had had in connection with that Bill would induce them, in dealing with this subject, to follow the advice of his right hon. Friend the Member for Birmingham (Mr. Bright), and keep "on the lines of the Constitution." He objected to new-fangled modes of dealing with matters of this kind. If the

Government contented themselves with dealing with the question in accordance with the previous legislation of this country, they might do a great amount of good in restricting the drink traffic, without creating any considerable amount of opposition. It seemed to him, as he had already said, by continuing the means of legislation that had before been adopted, they could direct their attention to the broad task of dealing with two important points — namely, the lessening the number of houses, by raising the rateable qualification, and by increasing the difficulty in obtaining new licences for new property; and by restricting the number of hours that houses were to be open. Now, he went entirely with the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson), who had expressed similar opinions, and who, by legislation, had shown on that great question that they could not hope to deal with it all at once, but must proceed gradually in dealing with a great interest of that sort. In their endeavour to limit the evils which were admitted, he granted that they should proceed with as much rapidity as possible; but they should also see that they did not create such a convulsive feeling of opposition as arose from the propositions of the Government, which were of a new and peculiar character. Now, he ventured to propose this measure for closing publichouses on Sunday, on the ground that it would deal with a very important part of the reform of the drink traffic, that it would, as far as it went, have a material effect in limiting the evils which arose from the sale of drink; and he thought he might ask the Government and the House to support the second reading of the Bill, on two grounds. First, it was quite clear from the evidence before the Select Committee of 1868, that the amount of drunkenness and crime, and all those evils that flooded the country in consequence, were not only largely produced by Sunday drinking, but that they were also on the increase, and therefore it was in his judgment one of the first points to which the attention of the House should be directed. The other reason why that Bill should receive favourable consideration was that public opinion was more advanced on that particular point of the reform of the drink traffic than upon any other of the various

propositions which had been made with a view of limiting the evils. That measure had not only the support of that very large number of persons—the extreme advocates of temperance reform, of whom the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who sat near him, would allow him to place him at the head—and a very worthy head he was—but there was also a very large amount of public opinion amongst moderate men, who were not prepared to go to the full extent with his hon. Friend, and who were not prepared to adopt total abstinence principles; but still thought the time had come for the Government to deal with closing Sunday traffic in publichouses. With reference to the point as to the proportion of crime and drunkenness produced by Sunday trading in publichouses, he might say that the Select Committee which sat in 1854 reported that from the evidence given, a considerable amount of drunkenness and crime arose out of Sunday trading—the fact seemed to be unquestionable. He would not trespass at any length on the time of the House in quoting statistics, but perhaps he might be allowed to allude to a few cases without wearying the House. [The hon. Member proceeded to read from Returns from Manchester and Liverpool. From the Report of Captain Palin, Chief Constable of the former place, there were apprehended for drunkenness on ordinary days and on Sundays. In 1866, ordinary days, 22; Sundays, 40; 1867, ordinary days, 28; Sundays, 48; 1868, ordinary days, 24; Sundays, 37; 1869, ordinary days, 29; Sundays, 42. Mr. Greig, the Chief Constable of Liverpool, gave a Return of the number of prisoners taken into custody for drunkenness between 12 p.m. on Saturdays and 12 p.m. on Sundays, for 52 weeks, from October 4, 1868, to September 26, 1869—namely, drunk and disorderly males, 1,952; females, 1,665; drunk and other offences, males, 361; females, 118; total, 4,096. These figures showed an average of 78 each Sunday, and 42 each week day—a result showing that the same state of affairs existed at Liverpool as at Manchester.] There was another valuable class of evidence to which he wished to refer—that of chaplains of gaols. [The hon. Member then read letters from the Rev. G. Hans Hamilton, chaplain of Durham Gaol,

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and the Rev. W. Cane, chaplain of the County Gaol, Manchester, the former of whom stated that—“Half the crime of the county was committed between Saturday afternoon and Monday morning;” and the latter gave Returns of committals, from which it appeared that of 1,037 committals, 343 were brought in on Mondays; both in the most decided manner connecting this state of crime with the publichouses and beershops.] He thought those cases must satisfy everyone that in dealing with crime and the evils arising from drunkenness, that one of the first points to which attention must be directed was that of Sunday drinking. He could multiply those cases to a very large extent; but he refrained from doing so, because he believed he had quoted enough to illustrate the fact. The other point which was strongly in favour of legislation on this question was the fact that public opinion was more ripe on the subject of Sunday drinking and Sunday closing than upon any other part of the question. On that he also held in his hand abundant evidence to show that wherever public opinion had been actually and correctly ascertained, it had been shown that a large portion had expressed a decided opinion in favour of closing publichouses on Sunday. For instance, at—

	Houses visited.	For.	Against.	Neutral.
Crewe ...	2,951	2,036	357	163
Goolo ...	1,214	1,193	22	80
Bradford {	many thousand	many thousand	1,409	2,355

At Liverpool, of 67,000 inhabited houses, 44,149 were absolutely in favour of Sunday closing; while the whole United Kingdom showed a grand total of 349,193 householders in favour of Sunday closing, 59,885 against, and 37,649 neutral. This was sufficient to prove the fact that, at all events, there was a very large proportion of the population who were desirous of keeping publichouses closed on Sunday; and so far as the association in favour of that object was concerned, they did believe, after making very careful inquiries, that a very considerable number of the working classes was in favour of it; and as regarded the middle classes—the magistrates and the clergy—no hon. Gentleman in that House could say that that was not their wish. There were many who did not go the length of saying that publichouses should be entirely

closed, who were strongly in favour of considerable restrictions as to the hours they should be open. He would also remind the House of the important declaration signed by magistrates which he had the honour of presenting to the Home Secretary a few weeks ago, and he might add that that memorial might have been very much extended if the attempt had been made. He begged to assume, therefore, that, at all events, the extent of popular opinion was generally in favour of Sunday closing, or for a very large amount of restriction. He ventured also to say that among the trade, which was particularly interested in this question, that there was no small amount of opinion in favour of closing on the Sundays. He had known efforts made by publicans themselves, by mutual agreement, to close their houses on the Sunday, and those agreements had been carried out for a length of time; but they had ultimately been compelled to give them up in consequence of two or three of the landlords refusing to be bound by the agreement, thus obliging the others to re-open their houses. One case of that kind had come particularly under his notice. A friend of his own, a brewer who owned a large number of publichouses in Liverpool closed his houses on Sunday, and would have continued to do so, but he could not induce other landlords to do the same. The name of that gentleman was Mr. Peter Walker, a gentleman who he thought was well known to some hon. Members of that House. In the evidence given before the Select Committee of the House of Commons, a Memorial was presented by the Liverpool publicans in favour of Sunday closing, and of the passing of an Act compelling those houses to be closed. Out of 1,400 publicans in Liverpool, no less than 757 signed the document, in which they distinctly stated that they were in favour of an Act of Parliament being passed, compelling all persons who kept publichouses to close them on Sundays; 113 said they would be glad of the Act, but would not sign; 251 refused to sign, and were believed to be opposed to Sunday closing; and the remainder of the number included persons who were neutral, or who thought that the houses should be permitted to be kept open for an hour or two, or who declined to sign the document at all. Thus it would be seen that out of 1,400

publicans of Liverpool, more than one-half had expressed a positive and decided opinion in favour of closing on Sundays. At Goole, of 34 publichouses visited, there were 16 ayes, 8 noes, and 10 neutral. An eminent brewer, Mr. Alderman Mackie, of Manchester, who was largely engaged in the liquor traffic in Dublin, Liverpool, Manchester, Birmingham, Birkenhead, London, and Brighton, and had been in business for more than 40 years, had never opened one of his publichouses on Sundays. He stated, in his evidence before the Select Committee, that a number of publicans would be very well satisfied to close on Sunday, and some of the best did close on that day; but others were afraid that if they did not open on Sunday and their neighbour did, and so got his customers on the Sunday, he would also get them in the course of the week. Hon. Gentlemen now met them, when they proposed to deal with this question of the liquor traffic, with the assertion that there was a large amount of capital employed in the trade, and they assigned that as a reason why they should not touch it, unless they gave the publicans some compensation. The hon. Member for Derby (Mr. M. T. Bass) had, on the authority of Professor Levi, estimated the amount of capital employed in the trade as £117,000,000, or a larger capital than was employed in their great staple trades of cotton and woollen manufactures, and it was urged that they should therefore be careful how they touched a trade which had so large a capital invested in it. He was not at all inclined to dispute the figures of those who made that estimate of the amount of capital employed in that trade. That estimate might be exaggerated, but he was prepared to take Professor Levi's estimate, and he asked what comparison there was between their cotton and woollen trades — industries which provided the comforts and necessities of life for a great portion of their people, with a traffic which filled their gaols and their workhouses? He thought there was too much capital in that trade and too much liquor drank. He was not without statistics on that point, but did not wish to weary the House with them. He would, however, refer to some which had been prepared in a very careful manner by Dr. Samuel Smiles in *The British Almanack*, where he had published some

very important statistics relating to the drink traffic, and which he would just mention to show how that great capital provided for the requirements of the people of that country. Of spirits nearly 30,000,000 gallons, or a quantity equal to four gallons for each adult male, was consumed in the United Kingdom in the year. The consumption of beer in England was 30 gallons per head in the year 1868. In Scotland it was 11 gallons, and in Ireland 8; or, in other words, at the rate of 120 gallons per head for each adult male in England, 44 in Scotland, and 32 in Ireland. He would now show what had been the cost to each adult male. In England he spent £3 15s. 6d. per year in spirits, and £7 in beer, or, on both beer and spirits, £10 15s. 6d. In Scotland the expenditure was £5 8s. per adult male on spirits, and £2 11s. 4d. on beer, or £7 19s. 4d. altogether; while in Ireland the amount spent was £3 3s. on spirits, and £1 17s. 4d. on beer, or £5 0s. 4d. on both. The sum expended on wines had not been included, but it had been estimated that the entire expenditure on intoxicating liquors of all kinds was £90,000,000 a-year, or £3 per head for the entire population, and it was calculated that the working classes spent in drink not less than one-sixth of their entire earnings. He thought, then, that was a matter of a sufficiently serious character to claim both from the Government and the House the most careful attention. It was a matter which touched every important influence in that country, and seemed to lie at the root of every great industrial social question which they had to deal with. It lay at the root of local taxation and all social problems. They had been told that it was not within their power—that they could not prevent men from drinking if they wanted to drink. He did not suppose that they could keep one who was suffering from dipsomania from drinking, for there were people who would get drunk whenever they could. They were people who required the attention of the hon. Member for Bath (Mr. D. Dalrymple), and might be fit inmates of our lunatic asylums; but there were numbers of persons who were not suffering from dipsomania, and who would not drink but for the facilities for drink, and the temptations that were offered to them. If they permitted a number of gin palaces to be opened on

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the Sunday, and shut up all rational places of amusement and recreation, he said they had no right to expect that men would not yield to the temptation. He had been told that he wanted to rob the working man of his beer; but he did not want to do it. He was quite willing that the working man should have his beer at the proper time. He wanted a man to have his pint of beer if he wanted it; but what he wanted to rob him of was the opportunity of going into a publichouse on Sunday, and robbing his family of their subsistence—of sitting in a publichouse and then returning home, to the injury of his wife and family. But he was now met with the charge that if they closed the publichouses, working men would not be able to get any beer for Sunday. He ventured to dispute that statement altogether. Mr. Alderman Mackie, of Manchester, in the course of his evidence before the Select Committee, was asked—

“Do many working men within your knowledge buy their beer on Saturday night and keep it for Sunday’s dinner?”

And he replied—

“I know of my own personal knowledge that hundreds and thousands do.”

It was also stated in the Report of the Committee of 1854—

“That it is the practice of such publicans as close on Sundays—and there seem to be many who close throughout the country—to provide their customers with stone bottles and jars in which to take their beer home, well corked, on Saturday night for Sunday’s use. The best evidence that the practice is found to answer is that they none of them speak either of complaints of their customers or loss of custom.”

No doubt the trade could soon adapt itself to the new conditions under which it would be placed were publichouses closed on Sundays; but even if they could not do otherwise, he would rather they charged more for their beer in order to pay the additional cost of bottling, for the working men would gain a great advantage by the exchange. There was another argument in support of the Bill to which he should but briefly refer. Every step taken in favour of restrictive legislation had always resulted in a diminution of drunkenness. His right hon. and gallant Friend the Member for North Lancashire (Colonel Wilson-Patten) succeeded a few years ago in passing a Bill which considerably diminished the hours of opening publichouses on Sundays. That Bill was known as “The Wilson-Patten

Act," and was in operation for about twelve months, and during the time that Act was in operation there was abundant testimony given throughout the whole country showing that drunkenness had been diminished to a very large extent, and that crime also had been stopped. There was the testimony of mayors of towns, and of police officers, showing and proving that there had been a diminution of drunkenness. In the town of Liverpool the Reports of the police force were most remarkable. The London police courts were described as presenting a striking and unusual appearance, owing to the great reduction of the number of night charges caused by Sunday drinking. In Preston, the chaplain of the gaol stated that it had had a very marked effect on the number of committals for drunkenness. Mr. Clay (the chaplain) said that the number of commitments for four months prior to the passing of the Act were 171, and for four months after the passing of the Act, 90, showing a reduction of nearly one-half in the number of convictions for drunkenness. But that Act was unfortunately repealed. There was no manifestation throughout the country generally against the working of that Act. It was known perfectly well in this House that the dissatisfaction was created by a number of persons who raised complaints, and who were represented in this House by Mr. Berkeley. It so happened that, in 1855, Lord Robert Grosvenor brought in a Bill interfering with Sunday trading which excited a large amount of opposition; mobs assembled in Hyde Park, some rioting ensued, and a few windows were broken; but the Bill against which those demonstrations were held did not deal with publichouses at all, nor were they caused by the Wilson-Patten Act. Mr. Berkeley, however, came down to the House, and intimated that the riots made it important that the Act should be repealed. Though he said again that the Bill against which these demonstrations were held did not deal with the subject of closing houses at all, under this pressure, represented by Mr. Berkeley, a Select Committee was appointed to inquire into the operations of the Act. That Committee was a packed one, and did not contain a sufficient representation of opinion on the subject. It met with a foregone conclusion, and refused

to receive the evidence which had been brought up from all parts of the country, and the witnesses who were ready to be heard. There was important evidence ready to be heard; but the Committee met and passed a resolution recommending that the Act should be repealed. That was when the riots had taken place. It was a remarkable fact, and he challenged contradiction on this point—that there was no allusion in the newspaper reports of the day to the riots as being caused by the Wilson-Patten Act, neither was there any allusion to it in the Report of the Select Committee. He therefore asked the opponents of that Bill, why, and on what grounds, they rested their opposition to this Act on account of the riots of 1855. These riots had not any reference to that Act at all, and he challenged them to show that they had. Restrictions had produced beneficial results in Scotland by diminishing the amount of criminality and the number of cases of drunkenness. The Forbes-Mackenzie Act was still in operation there; and although hon. Gentlemen might say that if a large number of publichouses were closed on Sundays there were numerous "shebeens" open, yet the fact remained that there was a much smaller number of drunken cases before the magistrates. For example, in 1852, 401 persons were taken up in the streets of Edinburgh between 8 o'clock on the Sunday morning and the same hour on Monday; but in 1867 there were only 33. In 1852, 776 persons were taken into custody for being drunk on the Monday; but in 1867 there were only 200; and while, in 1852, the average number of prisoners in Edinburgh Gaol was 619, in 1867 it was only 337. In Ireland there was no law to prevent the selling of drink on Sunday; but in some districts voluntary arrangements, which had almost the force of law, had been carried out under the authority and sanction of the Roman Catholic Bishops. He begged to call the attention of the House to the evidence furnished by Canon Toole, of Manchester, as to the effect produced in the county of Tipperary. The Governor of Cashel prison, Mr. D. O'Kearney, writing to Canon Toole in September last, said—

"The voluntary temperance law as established in this diocese has been observed with the greatest fidelity, and it is to be hoped that the success which has attended its promulgation and enforce-

ment here will induce the rest of the Catholic Prelates to introduce it into their respective dioceses. The habit once overcome on Sundays—the day on which it is unhappily most largely indulged in, its gradual decline during the rest of the week may be calculated upon, and the profanation of the Sabbath by the commission of sins which are almost uniformly the concomitant of intoxication, will no longer be the scandal, the curse, and the reproach of the otherwise moral and religious people.”

Canon Toole proceeded to say that in Tipperary Gaol, prior to the introduction of the change in 1857, there were 817 commitments, in 1869 only 145; in the prison of Cashel, in 1857, there were 439, and in 1866, 115. Overlooking a number of other places, he would come to New Birmingham, where, in 1857, they had 588 prisoners, whilst in 1869 the prison was closed. In the Cashel bridewell, in 1858, there were 106 prisoners arrested on the Sunday, in 1867 there were 4. In 1858 the total commitments were 727, of whom 527 were for drunkenness; in 1869 there were 205, of whom 115 were for drunkenness. He had shown that Sunday drinking was a great cause of evil, and that any restrictions upon it must reduce crime to a great extent. It did appear to him that after evidence of that kind there should be great hesitation on the part of the Government, and great reserve on the part of the House generally in opposing this Bill. He ventured to submit to the Government, that while that Bill might be considered by some hon. Members to be extreme and not sufficiently elastic, if they would give him their support on that occasion, he should be quite willing to see in Committee such a careful consideration of the provisions as would prevent the operation of Sunday closing coming with too great a shock, and thus creating too much opposition on the part of those who would be affected. He should regard that as a decided step towards the absolute cessation of Sunday drinking; and as there was a general expectation and hope on the part of the community that that Session would not pass without some reform in the liquor traffic, he confidently commended that Bill to the notice of the House for second reading.

MR. BIRLEY, in rising to second the Motion, observed that in Manchester there was a strong feeling against keeping open publichouses on Sunday. A Petition on the subject had been pre-

sented, signed by 70,000 of the inhabitants of that city, and he believed that an immense proportion of the working classes throughout the country were influenced by a sincere and earnest feeling to restrict the liquor traffic. He regretted that the Licensing Bill of the Home Secretary failed, and although many persons objected to piecemeal legislation, he trusted the House would give its sanction to the Bill now before them, the passing of which would not interfere with any general measure that might hereafter be brought forward by the Government. Very large numbers of the publicans desired to close their houses on Sunday, and to observe that day as a day of rest; and, considering that the Legislature had restricted the hours of labour in factories and workshops, he (Mr. Birley) trusted they would not manifest any indifference to the enormous toil which the servants in publichouses and beershops had to undergo on Sunday. If the law assimilated the trading of beershops with other trades, no effort to open beershops for the sake of mere indulgence in tippling would be countenanced for a moment. What would be the position of the traveller under this Bill? The *bond fide* traveller, instead of finding a house filled with all the vagrant scum of the neighbourhood, would find it orderly and clean, while the larger number, chiefly of the lower class of houses would certainly be closed. And what would be the effect of the Bill upon another very large class—those who occasionally, and at first reluctantly, found their way to the publichouse on Sunday? They would be saved from much temptation, and they constituted an enormous class of the population—a class most worthy of the interest and encouragement of Parliament. No doubt the habitual toper would get his drink whatever laws might be enacted; but there was another class of sober and peaceable people who never thought of entering a publichouse, and who, if this Bill were passed, would find their account in the orderly character and demeanour of the inhabitants of their district, and in the preservation of their children from temptation. It was said that people could not be made sober by Act of Parliament, and no doubt that was true; but, at all events, there should be laws to assist those feeble but right-minded

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persons who were most open to temptation, and such laws were most important and useful in preserving them from the downward path. It was difficult to decide from statistics whether the sin of drunkenness was or was not increasing in this country, for, in addition to the fact that there was a great fallacy involved in generalizing from statistics, it should be remembered that there was now an immense number of persons who if they did not abstain altogether were, at all events, very moderate in their drinking, and therefore the total quantity of intoxicating liquor consumed by the whole population did not afford any means of estimating how far drunkenness extended. In advocating this measure he was quite aware that the people required not merely repressive laws, but greater efforts for improving their social condition. Before they could expect them to be moral and sober, much more must be done than had been done hitherto to encourage them in improving their houses, and in finding rational recreation. But these things ought to go together, and not one wait for the other, for intemperate people could not be expected to value improved habitations. He earnestly appealed to the House on that question, for drunkenness was a great evil, and was a peculiar temptation to our people, for our system of labour, and the aggregation of our population in large towns, tended to foster it. He had been struck with the strong resolution and earnestness shown by all classes under the greatest difficulties to co-operate together, and if possible, by the help of Parliament, to abate that nuisance. To him it was a matter of indifference how the work was done; but in the name of Heaven and of the country he would beseech Parliament to bestir itself in that great and holy cause. If that Bill were carried the pernicious effects of the many music-halls which existed in connection with publichouses would at once be effectually restrained; and he hoped that the measure would be passed and administered fairly without any desire to make it operate harshly.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr Rylands.*)

MR. J. FIELDEN, in rising to move, as an Amendment, that the Bill be read a second time upon that day six months,

said, all were agreed as to the importance of doing away with the evils resulting from the excessive consumption of drink; but the question was, would that Bill be effectual for that object, and would it not be such an interference with the liberty of the subject, and of those who were undoubtedly good citizens, that they ought not to be called upon to submit to such a rigorous measure? His objection to the Bill was that it was a gross libel upon the large mass of the labouring population of this country, because it assumed that a majority of them—or, at all events, a large minority—were given up to drunkenness, and were such slaves to their passion for drink that it was necessary, in the interests of public morality, for the Legislature to step in and pass the most stringent restrictive laws. He, for one, would not consent to slander the mass of sober, hard-working men as they were slandered by this Bill, which would brand them as incapable of restraining their passion for drink. In that respect, the Bill was a libel on the working classes. He objected to it, also, as class legislation, because no attempt was made to apply its provisions to the clubs of the rich. If it was right to restrict the sale of intoxicating drinks on the Sunday, why should not the Bill apply to the clubs, and provide that no intoxicating drinks should be sold in them? Why did not the rich come forward and say—"We feel so strongly the great evil of drunkenness that we will enter into any engagement of this kind in order to set an example to the great mass of the labouring people." He had that morning received a declaration in favour of the Bill signed by 1,331 county and borough magistrates of England and Wales; and if those gentlemen had said they would stop the sale of intoxicating liquors at their clubs on the Sunday, he would have believed in their sincerity; but he knew perfectly well that many of these gentlemen, when they came up to London, spent part of Sunday at the club, where they invited friends to meet them, and did not restrict themselves to the pure beverage of water, but indulged in what were to them more pleasant beverages. These Petitions and Memorials were got up in such a way as to render them worthless. He had seen Petitions lying on tables in the streets of Manchester, where they were signed

by boys, who, from their age, could not understand what they were signing; and in such a place where Petitions were indiscriminately signed they received in Manchester the signatures of persons living in Ashton and the adjacent towns, who also signed similar Petitions in the towns in which they lived. This Bill was, in fact, part of the Permissive Bill, and the Permissive Bill men, though a comparatively small body, were a most indefatigable and determined body of men, and they produced on the country an impression that they were more numerous than they really were. These men made representations as to the evils of drunkenness, which no one disputed, and they thus induced benevolently-disposed individuals to sign Memorials and Petitions without due consideration as to the cause from which drunkenness sprang, which was adulteration. Others signed them in order to please relatives and friends, who admired the earnestness with which they advocated what they believed to be true. A large number also signed them from motives he would not criticize; with a firm conviction that what was proposed would never be carried; and he did not make that statement without warrant. On the one hand, hitherto, there had been a small body of energetic men, and on the other there had been an overwhelming majority, totally apathetic, but willing to put their names to Petitions, just as hon. Members would vote for a measure because they believed it would put them in a good position with many of their constituents, while they were satisfied there was no chance of its being carried; but when there appeared to be any danger of interference with the liberty of the subject, the country became aroused, as it had been this year when the interests not only of publicans but of publichouse proprietors were threatened, and it was determined not only that the Licensing Bill of the Government should not pass, but that the Permissive Bill should be thrown out by a majority larger than it had ever been before. As this Bill would stop the sale of intoxicating liquors on the Sunday except to travellers and lodgers, the effect of it would be, that a man who could not obtain drink in his own house would go a few miles away from home and would drink in a publichouse instead of having his pint of beer with his wife and family.

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They had no right to say that a man should be compelled to buy his beer on the Saturday and bottle it; he might not like bottled beer, and it might not agree with him. At any rate the House had no business to deny the working man the opportunity of buying beer for his Sunday dinner, and to compel him, if he must have beer, to leave his family and neglect his family duties, for it was a man's duty to remain at home with his family on the Sunday. Then it was most inconsistent to allow a man who was merely a lodger in a publichouse to be supplied with beer, when it was denied to the man who wished to have it in his own house. The whole Bill was so inconsistent, so unjust, and such a piece of class legislation that they ought to throw it out. It was all very well for the hon. Member for Warrington (Mr. Rylands) to talk of amending it in Committee; the Bill must be dealt with as it was, and to read it a second time would be to affirm the principle of stopping the sale of intoxicating drinks on the Sunday. If the hon. Member did not adhere to that principle, the Bill would be no longer that which was read a second time. If the hon. Member was afraid of his own measure, he ought to withdraw it, and bring in one dealing with the subject in the way he thought it ought to be dealt with. If he did that, let him bring in a Bill which would treat rich and poor alike. The rich could go to their clubs, and what the club was to the rich man the publichouse was to the poor man, who, therefore, ought to be permitted to get beer at his club if he required it. With regard to the operation of the Forbes-Mackenzie Act in Scotland, if the Scotch were the most sober and moral people possible; if there was no drinking in Scotland on Sunday, particularly in the lower parts of the large towns, then they were the most grossly maligned people on the face of the earth. As to statistical calculations of the amounts of spirits and beer consumed, the question that arose upon them was, were the amounts more than was required. To say that so much beer or so much spirit was drunk did not prove anything; at all events, it did not prove that what was consumed was injurious to the community. Undoubtedly, the consumption of spirits was an immense evil in this country; but what caused it? It was

due to the high price of beer, and that was caused by the iniquitous malt tax. Drunkenness was not caused so much by the excessive amount of malt in the beer as by the want of malt, and by the substitution of deleterious and poisonous articles; and that measure would do nothing to cure the evils caused by adulteration. He could not help repeating that that Bill proposed class legislation, and, if the evil required to be dealt with by so stringent a measure, it ought to be applied to rich and poor alike, otherwise it would be said they allowed the rich to have luxuries while they would not allow the poor man to have even that which was necessary. In conclusion, he begged to move that the Bill be read a second time that day six months.

MR. MELLOR, in rising to second the Amendment, said, as an employer of labour, and one who had mixed with working people all his life, he denounced the language of those who described them as a dissipated and drunken class. He sat for a constituency which at one time was represented by a Cabinet Minister, who, on a certain occasion declared them to be the most sober and respectable constituency in Europe; but no sooner did the same constituency return himself (Mr. Mellor) than they were denounced as being drunken and dissipated. With regard to the statistics of the hon. Member for Warrington (Mr. Rylands), that hon. Gentleman had forgotten that on the Monday there were to be dealt with the police cases of two days—Saturday and Sunday—and that it was the custom to pay wages on the Saturday afternoon. Magistrates in the manufacturing districts would tell you that the cases of drunkenness which came before them on the Monday morning arose principally on the Saturday evening. Therefore the hon. Member's statistics were perfectly fallacious; but, in order to create an impression, every subterfuge was resorted to, and false statements placed before the House. ["Order, order!"] He considered the statement made to be false, because it was not based on fact. As certain diseases were endemic on marshy levels, so the evils of drunkenness existed where liquor abounded too freely; but the legitimate indulgence in it was no crime, neither would it produce crime; but it produced sociability and good feeling.

Like the hon. Member, he would "walk in the lines of the Constitution." He had walked in them when a younger man. He could remember the time when he could go to the publichouse on the Sunday, smoke his pipe, drink a glass, and enjoy himself. There was no such thing to be done now-a-days; the police were looking over every hedge; and, in the disguise of seamen or of cotton operatives, they importuned the unwary publican to supply them with drink, in order that the friends of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) might get the licence revoked, or endorsed with a black mark. He repudiated the language which had been held in that House in reference to the working classes, and he most cordially seconded the Amendment of his hon. Friend the Member for Manchester, who, in adopting the course he had taken, was only representing the feelings and interests of the manufacturers.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." — (Mr. Joshua Fielden.)

MR. MELLY said, he regretted the Bill did not enable the House to have a fair discussion by submitting a practical proposal, because hon. Members were pretty well agreed that the hours for the sale of drink might be restricted after careful consideration, with the concurrence of the community and of the licensed victuallers themselves, while drastic legislation would only defeat the object in view. He must complain that the Motion for the second reading placed them in the dilemma that if they voted against it they would be considered advocates of unrestrained Sunday drinking, while if they voted for it the impression would be conveyed that they were in favour of prohibiting all drinking on Sunday, which would be unjust. In his opinion, the hours during which liquor was sold on Sunday might be very fairly abridged, and with the concurrence of all classes of the community, including the respectable licensed victuallers, who would value a Sunday afternoon free from business. He feared there was a combination between the advocates of the Maine Liquor Law and the Sabbatarians

of England, and he was sure the latter would baffle themselves if they forced on Parliament and on the country measures which, by their stringency, would defeat the object they had in view. It was impossible, even if it were desirable or just, to prevent the labouring man from buying a jug of fresh-drawn beer for his Sunday dinner, the only day, perhaps, when he could enjoy that meal with his family. He had also as good a right to a glass of ale at supper-time as any hon. Member in that House; at the same time, he did not believe that there was not a single Member in that House who did not think that the excessive expenditure in drink was one of the greatest curses with which the people of that country was afflicted; and the day when the greatest amount was spent was on the Sunday. The hon. Member for Ashton (Mr. Mellor) had spoken of false statistics and misleading facts. He had just made some inquiries as to the condition of things in that month of June. Now, as to the facts, statistics which he had showed that during the last four Sundays in Liverpool 577 persons were arrested; 555 during the last four Saturdays; 327 during the last four Wednesdays. Of those arrested on Sundays, 111 were drunk; on Saturdays, also 111; on Wednesdays, 52. For larceny and all other crimes, 34 persons were arrested each Sunday, 29 each Saturday, and 29 on each Wednesday. Therefore twice as many were arrested on Saturdays and Sundays as on any ordinary week-day, while there was only a trifling increase in the number of crimes, and therefore the great addition to the number of arrests must be attributed to drunkenness. Again, during the six working days of the year 1867, 91 babies were overlaid by their mothers, or an average of 15 a-day, while on Sundays 36 children were overlaid. Now, overlaying of children was chiefly due to the drunkenness of the parent. The loss of these infants was a direct injury to the State, to which their lives, if well regulated, would be a source of profit and strength. Their death hardened and demoralized their parents, and led to new excesses. It really was a waste of time to pile proof on proof. Drunkards would drink; but the excessive outlay in liquor by those who did not get drunk was the most prolific source of misery, poverty, and crime in

Mr. Mellor

England. It was the obstacle to religion, education, and order. It doubled local rates, and increased national taxes. It was actually fostered by their laws, encouraged by fanatic customs and restrictions which had more than the force of law. Why were the schools a third, and the churches half empty? Not because education was not valued, or that the working class was infidel or indifferent to religion. Children were not sent to school because they had no clothes fit to go in. It was owing to the amount spent on liquor that men were not able to clothe their wives decently, so that they could go to church or chapel. He believed the great remedy would be found in moral suasion, that much would be done by the Education Act, and that a great deal, indeed, might be done by throwing open the National Galleries and Museums, the Houses of Parliament, and other public buildings and institutions to the people on Sundays, which he would be glad to see crowded from two o'clock in the afternoon until dusk. He believed that would before long increase the attendance at the churches and chapels. The alternative given to all but the rich class at present was to go to church or chapel, or the public-house, which looked very like a bargain between religion and the gin palace. The result was a large number preferred the publichouse; the wages there spent, the habits there contracted, physically and morally disqualified a portion of the labouring classes from attendance at Divine Service. The upper classes had their commodious houses, private gardens, galleries, and libraries in which to spend Sunday afternoons. The Zoological Gardens were not closed to them. He strongly advocated the opening of museums and innocent places of recreation to the people as a counterpoise to the publichouses. He could hardly understand their licensing places where people could get drunk, and shutting up places where they could be amused, interested, and instructed. He knew the laws nominally dealt with rich and poor alike, but practically their effect was too often unequal and unjust. He denied the right, still more the policy, of closing the national institutions to the taxpayer on the Sunday afternoon, and not allowing him the only opportunity he had of seeing his own property. While, on the one hand, there was an

alliance as regarded this Bill between Sabbatarians and the supporters of the Permissive Bill, there was another alliance as regarded these laws or customs which the Sabbatarians would be the first to repudiate. Yet what they said in effect was—"Unless you go to church there shall be no in-door amusement open to you except that of getting drunk, or spending what you can't properly afford in the publichouse." There were in every large town institutions belonging to the people, paid for and maintained by them, which ought to be open to them on the only day they could visit them. Of course, it would be urged that the Sunday holidays of servants and attendants would be curtailed. He had made inquiries. The effect on the police of London would be rather to reduce than increase their labours. South Kensington Museum, for instance, would only require four more attendants and six additional policemen, while 10,000 persons might visit the museum between the hours of 2 o'clock and 7. The reduction of the hours of rest of four attendants and six policemen, who could be easily remunerated, ought not to be considered as telling against the advantage of inducing even 5 per cent of the 10,000 persons he had mentioned to spend their Sunday afternoons at such an institution, if they had been in the habit previously of spending them in publichouses. He was aware of the delicacy and difficulty of that subject. Nothing but a deep sense of duty would have led him to make those remarks. He would support any just and fair measure; any change which would practically increase the temperance and prudence of the people. But that question must be settled not by piecemeal legislation, but by a change in the customs and laws of the nation. Until the matter was fairly dealt with, although they might hold their own in the race of civilization, they could not stride in front; and to quote a commercial proverb—"A profit not made was a loss realized." Were it not for that one blot upon the nation—the existence of those "fly-traps at the corner of every street," draining the very heart-blood of the wage-earning class—there would be no limit to their prosperity and the ever-increasing moral and physical welfare of the people. As to the course which he should pursue with respect to the Mo-

tion before the House, he was at some loss to say what he should do; but unless he received either from the Government or the promoter of the Bill some explanation which would enable him to vote for the second reading, it would be his duty to leave the House and not vote at all.

SIR HENRY SELWIN-IBBETSON said, he did not share the difficulty of the hon. Member for Stoke (Mr. Melly), because he had always urged that that subject should be dealt with as a whole. They prejudiced the question by dealing with small portions of it, and on that ground he could not support the Bill. He admitted that the evil effects of drunkenness were increasing, but doubted whether the statistics of the hon. Member for Warrington (Mr. Rylands) really supported his proposition. The Bill, instead of making a gradual reduction, attacked every hour of the Sunday; but he believed that a shortening of hours on every day would materially assist in attaining the object they all had in view. If the option proposed in the Bill of the Home Secretary—of taking out a licence for only six days—had been offered to publicans, there would probably have been a large diminution of open houses on Sunday. By making violent changes they would raise an opposition which, by gradually approaching the matter, they would never have to meet, because then the people would have an opportunity of testing the advantages of a curtailment of hours. He had Returns from localities mentioned by the hon. Member for Warrington, showing that a larger proportion of cases of drunkenness occurred from drinking on Saturday, rather than on Sunday. In Salford, the convictions for drunkenness on Saturday amounted to 12, as against 2 on Sunday. The Chief Constable of Manchester had supplied him with Returns for every day in the week for three months at the close of last year. There were 1,005 arrests for drunkenness on the Saturday and Sunday, while the total number for the rest of the week only amounted to 2,835. But, on going into details, it appeared that if the hours had been limited from 11 at night to 6 in the morning, the 2,835 arrests would have been reduced by 1,476; and that if the hours had only been reduced from 12 P.M. to 6 A.M., the number would have been lowered by 954. Between 11

and 12 at night on the Saturday, the arrests were 138; between 12 and 1, 179; and between 1 and 2, 127; so that some of the figures included in the calculation of Sunday drinking related actually to continuous drinking on Saturday. He had also received Returns from the borough of Birmingham for the three months ending in March last. On the Sundays there were 159 cases and 144 on the Saturday, making a total of 303, as against 356 on the other five days. Between the hours of 11 and 12 there were 286 convictions, and in all remaining hours only 373. Now, of these convictions he felt satisfied a great number would be wiped out if there were a reduction in the hours during which publichouses were kept open, a reduction which might be effected with the sanction of a large number of the people, whereas the proposal of the hon. Member for Warrington would, in his opinion, tend greatly to prejudice any fair attempt to deal with the question, by the opposition to which it was likely to give rise, and which might injuriously interfere with the general revision of our licensing system. He quite admitted that the question of music-halls and clubs in connection with publichouses was also deserving of consideration, but that, too, might be prejudiced by the dealing as proposed with only one corner of the subject. He hoped under the circumstances the House would not read the Bill a second time, which, while it proposed entirely to do away with the opening of publichouses on Sundays, except so far as travellers and lodgers were concerned, contained no definition of what the word "traveller" meant, and would thus leave it matter for vexatious disputes.

VISCOUNT SANDON said, he was convinced, from his experience of town populations in such places as London and Liverpool, that the picture drawn by the hon. Member for Warrington (Mr. Rylands) of the dreadful evils of Sunday drinking was very little exaggerated, and therefore, although demurring from some of the reasons assigned for the prevalence of drinking habits, it was impossible for those, who like himself were anxious to deal with the question, to vote against the Bill. On the other hand, they were placed in a difficult position, for hardly a Member of that House really supposed that the total

suppression of the opening of publichouses was within the range of possibility at the present time. The calm and sensible settlement of this question was hindered by over-zealous action. He appealed to the Government as to whether they could not take a practical step on this occasion. The Bill, which was simply entitled "Sale of Liquor on Sunday Bill," did not bear on the face of it the absolute necessity for total prohibition; and he thought the Government might take possession of the measure, and, after allowing it to be read a second time, alter it to a Bill for the Regulation of the hours of Drinking on Sunday. A proposal of that kind made in a former Session by his hon. Colleague (Mr. Graves) had been supported by the corporation, magistrates, licensed victuallers, and the public generally of Liverpool, showing a rare amount of consent with regard to a difficult matter. He did not think legislation of that kind would prejudice a more general settlement of the question, but, on the contrary, would enable them to test the feeling of the country. They had so strong a ground of complaint against the Government for the way in which they had handled this liquor question, that he thought, when they threw out a suggestion to retrieve the Government from the position they had unfortunately assumed, it should have some effect. If the Bill were read a second time, he should reserve the power of proposing in Committee some such arrangement as he had recommended.

MR. JACOB BRIGHT said, that no one could, in his opinion, have listened to the speech of the hon. Member for Warrington (Mr. Rylands), without being impressed by it. Owing to law and custom, there was a general suspension of labour throughout the country on Sunday. In the case of one enormous trade, however, that rule was broken, and, strange though the fact might be, that was a trade which was licensed by the Government, and which was more than any other under their control. He could never understand what was the cause why such an exception was made. He had heard it stated by Mr. Mackie, of the firm of Findlater and Mackie, at a public meeting, that it was quite possible for a working man to procure his liquors on Saturday night precisely as he got any other article of consump-

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tion, and that the trade would adapt itself to the wants of the people. He did not himself believe that if publichouses were shut up to-morrow those who thought such drinks necessary either to their health or pleasure, would find themselves unable to procure them. The exception of which he spoke was indeed so remarkable that the justification for it should be very complete. There were in Manchester 2,500 houses open on Sunday for the sale of the articles in question. Now, two persons, at least, were probably kept at work in each of those establishments, and it should be borne in mind that no other class in the community worked for such a number of hours during the week. Had they, then, no claim to be protected from labour on the Sunday? It was not, he might add, in the interest of the working classes themselves that publichouses should be kept open on the Sabbath. The poor would be much less poor if they were not kept open. He did not, indeed, think that the habits of the people could be greatly improved merely by the partial or complete closing of those houses, and he was not in favour of a gloomy or Puritanical Sunday. He did not wish that the people should be shut up in their homes on that day, seeing how confined they were and how unhealthy frequently were the places in which they were situated. He concurred, therefore, with the hon. Member for Stoke (Mr. Melly) as to the desirability of having places of innocent recreation and amusement open to them; and they ought, in his opinion, to be established where such places did not exist. There was no country in which the people were so densely massed together as in this, or where they had higher wages. The result was, that they were more in a position to yield to temptation, and it would be of great advantage that they should be able to visit institutions where they might pass their time agreeably and profitably. He thought it was possible for a great many hon. Members of the House to vote for the Bill after the statement made by the hon. Member for Warrington, that he would be ready to consider any modification which might be proposed. If such a Bill of a permissive nature were passed, its provisions would be adopted, so far as the great towns of Lancashire were con-

cerned. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) made some two or three years ago the serious charge against the people of Lancashire, of being less temperate than the people of other portions of the kingdom. Now, that might be true or false, but this, in justice, he must say, should be attributed to them, that they had done more than the people of any other part of the kingdom to call the attention of the country to the evils of intemperance, and they would be delighted to hear of the passing of the present or some other measure for the purpose of checking the evil of drunkenness. He trusted that if the Government felt unable to grapple with the subject, they would assist rather than obstruct private Members in attempting to solve any portion of this perplexing question.

Mr. HENLEY said, he wished the Bill had been so framed as to have permitted those who thought that much good might be done by reducing the number of hours during which publichouses might be open on a Sunday to consent to go into Committee upon it; but, as the Bill proposed that the publichouses should be closed during all hours on that day, he, for one, was unwilling to assent to the second reading. The hon. Member who had just sat down (Mr. Jacob Bright) had made allusion to some remarks of his at Manchester two or three years ago. If the hon. Gentleman would consult the official Returns of the police of his own City of Manchester, he would find that the charges he had brought against Manchester had not at all diminished, but, on the contrary, assumed a still blacker aspect than before. He believed most firmly that if the whole of England were in the same state as the police reported Manchester to be in, not only would that House pass such a Bill, but he should not be surprised if it forbade the brewing of beer and distilling of spirits altogether. What were they asked to do by this Bill? A limited number of people—very limited in comparison with the whole population—abused that which was given them for use, and that House was asked to seriously inconvenience those who did not abuse it, in order to prevent those who did abuse it from continuing their abuse. He did not think that was a right principle to go upon. Two very important classes who would

be seriously affected by this Bill had not been touched upon in the course of this discussion. A great number of persons fetched their beer for their meals from the publichouse, and any man who went along the streets on Sunday from half-past 12 till 2 o'clock constantly met a girl or woman with a jug of beer in their hands; but by the Bill all these people would be shut out from this privilege on the only day in the week when a vast number of our poor fellow-countrymen were able to eat their dinner with their families. The second class who would suffer was that of single men, who had places where they slept only, while they took all their meals in a publichouse. He wished that those who desired to check the evils complained of would try to do so tentatively, by reducing the hours, as might be safely done, as far as the evening was concerned, during which publichouses should be permitted to be open on Sunday. If the Government would undertake to introduce some temporary measure for that purpose, it would, if it did not meet the evil effectually, at all events serve as a guide for future legislation. Taking England all over, he believed that drunkenness was on the decrease, with the exception of Lancashire and one or two other places, and though he could not blame persons connected with Lancashire for making every endeavour to check the evils of drunkenness, yet he thought they made a mistake when they brought forward a measure too stringent in its provisions.

MR. BAINES said, in support of the second reading of the Bill, that the evidence of the evil came in such innumerable forms, and with such overpowering weight, that he did not see how its magnitude could be denied. He must deny that it was the wish of the supporters of that Bill to interfere with the liberty of the working man, their sole object being to enfranchise him from the worst of bondage, to improve his condition, as well as that of his wife and family. He wished to draw attention chiefly to the enormous evil that resulted from men going to publichouses, from their being induced to take beer until they became drunk and disorderly, and fit for doing all that could disgrace human beings. That evil, which this measure proposed to remedy, was also breaking the hearts of thousands, he

would say of tens and hundreds of thousands of women, was depriving children of their proper food and clothing, and filling the workhouses and prisons. Though he should be delighted to see the publichouses entirely closed on a Sunday, yet they must deal with the matter in a practicable way, and he believed it would be wise to adopt the suggestions made by the noble Lord the Member for Liverpool (Viscount Sandon). If the Bill could be amended in Committee as suggested, the Government would act wisely in supporting it; but he must remind the House that there was a justification for its introduction in the thousands of Petitions that had been presented asking for such a measure. In 1867 upwards of 5,000 Petitions, signed by 500,000 persons, were presented in favour of closing publichouses on Sundays. Magistrates, clergymen, the Nonconformist Bodies, large numbers of the working classes themselves, supported the principle of the Bill. He had here a remarkable report, drawn up by a Committee of the Lower House of Convocation appointed to consider the evils of Sunday drinking; it recommended that the publichouses should be entirely closed on Sundays. Archbishop Manning, who had a large acquaintance with the poorer classes of the Metropolis, gave his utmost support to this measure. Then the Sunday School teachers, a very numerous and very useful body, complained that their work of instruction of the children was neutralized by the visits of the parents to the publichouse. The statistics already cited showed how fearful were the consequences of Sunday drinking in relation to crime; but there were two points to which he wished to draw especial attention—one was that wherever there had been established by law a restriction of the hours during which the publichouses might be open, there had resulted a most marked diminution of drunkenness; the other was that wherever there had been Sunday closing, it had been attended with the most beneficial results. There was evidence to show that the closing publichouses on the Sunday had proved highly beneficial in Scotland, Guernsey, and Tasmania, and with respect to his own town, it was stated in evidence which was produced before a Committee on which he sat, that the Working Men's Club there passed a reso-

Mr. Henley

lution, almost unanimously, approving such a Bill as the one now before the House. He should support the Motion for the second reading of the Bill; but it would require some modification in Committee.

MR. BRUCE said, he thought there could be no doubt that there was on the part of a large portion of the population, well deserving of respect, an earnest desire for the present, or some similar measure. He did not know whether they amounted to a majority, but, at all events, they amounted to an enormous number of the working classes. That desire might arise partly, no doubt, from a wish to secure the better observance of the Lord's Day; but, at the same time, it arose very largely from the circumstance that Sunday was the day on which the workman usually had plenty of money in his pocket, and was, therefore, exposed to peculiar temptation. On the other hand, it must be remembered that a great number of workmen, having more self-command, employed part of the Sunday for the purpose of innocent recreation, and therefore the closing of public-houses on Sundays would operate as a great deprivation to them. The manner of observing Sunday was, to a certain extent, a geographical question, being different in England, Scotland, and Ireland; and, that being so, he could not support the second reading of the present Bill. At the same time, as there was a strong disposition on all sides of the House to meet the reasonable wishes of the country, he advised the hon. Member who introduced the Bill (Mr. Rylands) not to press a measure which would run counter to the feelings of the people, but to bring forward some reasonable proposal which would meet with general support. He should be always anxious to give his aid to any hon. Member who might desire to carry a measure to diminish the evil of drunkenness; but he thought that in the present instance his hon. Friend tried too much, and that if he succeeded in carrying it it would only lead to public discontent. He had himself been charged with a similar error; but hon. Gentlemen would have forgiven that error if they had themselves been obliged to give more than one year's study to all the inconsistencies involved in the licensing law; but his hon. Friend, in dealing with the question in the manner now proposed,

was running his head against a wall of his own building, and he must have known that the House could not pass his Bill. His hon. Friend had heard the opinions of many of the weightiest Members of the House expressed, and, for his part, however desirous to promote the objects of his hon. Friend, he must say that he thought the only way of remedying the evil was by adopting a middle course. He was not wedded to the limitation of hours which he had proposed, and he must say he felt the greatest difficulty in arriving at a satisfactory solution. He found that the habits of the people differed in different parts of the country, and he had thought that he should do best to adopt the recommendation of the Committee presided over by the hon. Member for Wolverhampton (Mr. C. P. Villiers), that the public-houses should be closed on Sunday except from 1 o'clock to 3, and from 7 o'clock to 9; but it might be, as he had been assured by a number of persons, that instead of the latter period it would be better to allow the public-houses to be open from 8 o'clock to 10. The noble Lord the Member for Liverpool (Viscount Sandon) had suggested that the restrictions contained in what was called the Liverpool Bill, would be more adapted to the popular wants, and such a proposal would, no doubt, receive the support of a large portion of the country. He could not vote for the Bill in its present shape; but if his hon. Friend would consent to take the second reading *pro forma*, and would afterwards embody in the measure such suggestions as had been thrown out by the hon. Member for Stoke (Mr. Molloy) and the noble Lord the Member for Liverpool, and which were in substance and principle contained in the Government Bill, he would then feel himself perfectly justified in acting in accordance with the feelings expressed by many hon. Members, and would support the second reading. By adopting such a course, his hon. Friend would have the concurrence of the majority of the House, and even at that late period of the Session, might carry his measure to a satisfactory conclusion. He hoped his hon. Friend would acquiesce in that suggestion, and thus unite all parties in effecting a useful and practical reform.

MR. STEPHEN CAVE said, the House had been put into some difficulty

by the proposal that had just been made. He and others had come down to the House prepared to vote against the second reading of the Bill, but the proposal of the Home Secretary, if adopted, would entirely change its principle. The Bill as introduced was for the entire closing of publichouses on Sundays, but the suggestion that had been made would only alter in a slight degree the present law. That would be a question of expediency and convenience, whereas the closing of publichouses altogether on Sundays was a question of principle. The proposal was one that would require great consideration. He did not think much of the argument about class or club legislation, because all legislation to a great extent must be so. In that case they did not aim at punishing a particular class, but to assist them in doing something for the improvement of themselves. The publichouse was not a poor man's club; and that they felt so was evident from their having recently commenced starting clubs for themselves, and he saw no reason why they should not be assisted in accomplishing it by legislation. It was monstrous to expect the working classes to buy beer on Saturdays to be kept over for their Sundays' dinners. He was in favour of the introduction of the six days' licence for drinking on the premises, and a seventh day's licence for drinking off the premises. Rather than that the Home Secretary's suggestion should be carried out, he would prefer the withdrawal of the Bill, and the introduction of another by the Government, to deal with that question more in accordance with that principle. If, however, he could be made quite sure that they would not be called to vote upon these clauses over again in Committee, and that the Bill would be reprinted with the alterations proposed, he should have no difficulty in supporting the second reading, simply as an indication in favour of a further limitation of hours, although he confessed he had come down to the House with the intention of voting against the measure.

MR. WHEELHOUSE said, if the principles last enunciated by the right hon. Member opposite (Mr. S. Cave) were admitted, it was in his (Mr. Wheelhouse's) mind impossible to deal with that Bill in any way whatever, for, from the Preamble to its finishing section, the whole of Sunday was to be taken away

from the people, so far as the purchasing of beer and other liquors was concerned. Therefore no alteration of the principle, as embodied in the Preamble, could effect the object which it was held desirable by the Home Secretary to obtain. He could not help thinking that there were some considerations connected with this subject which had not as yet been felt by hon. Gentlemen with their full force and effect. Whether there were or were not abuses committed in the Sunday traffic, he thought it would be a monstrous principle to hold that if a person wanted a glass of beer on a Sunday he should not be at liberty to purchase it. He had lived in a large borough for above 26 years, moving all that time from day to day amongst the population, and taking his part in the Sunday life of a large provincial town. From the experience which he had gained during that long period, he had no hesitation in declaring that it was incorrect to say that drunkenness was on the increase, or that many men were given to drink to excess in proportion to the amount of the population. He contended, relatively to the size of that population, on the contrary, that drunkenness was decreasing from year to year. But if it were not, and if hon. Members wanted to suppress altogether the liquor traffic on the Sundays, they ought in all honesty to begin at home—to shut up their own clubs, and say that they themselves would not take a drop of wine or beer on Sundays.

MR. LOCKE said, he should not have risen were it not for the extraordinary course taken by the right hon. Gentleman the Home Secretary in regard to this Bill. It was most remarkable that the right hon. Gentleman, who had himself brought in a Licensing Bill, which contained nothing in it that anybody approved, should now take on himself the duty of amending another Bill by striking out the whole of it. [*Laughter.*] He proposed to strike out everything from the first to the last word of the Bill. Yes, the title must go, the Preamble must go, and any hon. Member who had read the Bill must see that all the clauses must also go—so that nothing would be left. The hon. Member for Warrington (Mr. Rylands) was, perhaps, one of the most inconsistent men in the House. One year he supported the hon. Member for Leicester (Mr. P. A. Taylor) in his proposals; but this year the hon. Mem-

Mr. Stephen Cave,

ber for Warrington was *non inventus* when the hon. Member for Leicester brought in that Bill of which the hon. Member for Warrington was so enamoured last year. The hon. Member must have a certain number of constituents that led him astray on all occasions. He counted heads and noses, and asked himself how these people would go, and where he would be obliged to go if he did not follow them. Now, it was most extraordinary that his right hon. Friend the Home Secretary should follow in the track of such an extraordinary person as the hon. Member for Warrington. Another thing struck him as extraordinary. Although the hon. Member for Leeds (Mr. Baines) had quoted from a number of bits of paper which he took out of his pocket all sorts of statistics, which no one could clearly understand, but that hon. Gentleman had never even incidentally alluded to the Blue Book, containing a Report of the Committee which sat on a Bill not half so awful a one as the Bill of the hon. Member for Warrington, and it did not go to the extent suggested by the noble Lord the Member for Liverpool (Viscount Sandon). The Bill to which he referred was that brought into that House by the late Member for Chichester (Mr. J. A. Smith), a measure which was to prevent any person from obtaining drink on the Sunday, except within certain limited hours. The noble Lord the Member for Liverpool proposed to give the people four hours on the Sunday to obtain their liquor—namely, from 1 o'clock till 3 o'clock p.m., and from 8 o'clock until 10 o'clock at night. But the Bill of the hon. Member for Warrington went further than any other person dared to go, for he would deprive the people of their beer throughout the whole of Sunday. But they were told by an hon. Member that the people forsooth could not restrain themselves in any way, and therefore there must be Acts of Parliament telling them when they ought to eat and drink, and when they ought not to eat and drink. He (Mr. Locke) thought it was a disgrace to this country if the great bulk of the population were of such a miserable nature that they could not judge or act for themselves, but that they must depend upon such persons as the hon. Member for Warrington, who would tell them what they should do or what they should not do.

He (Mr. Locke) confessed he could never look upon such Bills with patience. He thought that they had too many attempts by hon. Members to make the people slaves by Act of Parliament; to tell them what they were to do, how they were to regulate their meals, and what were the hours at which they should take them. He did not think that this country would be worth living in if they were to be legislated for by a class of Members that had recently come into that House, and these were the hon. Members who talked of freedom. The hon. Member for Manchester (Mr. Jacob Bright) in his speech that day, cited the authority of a Mr. Mackie. He (Mr. Locke) believed that Mr. Mackie, as well as Mr. Findlater, sold as much or more intoxicating drink to the people than anyone else in the United Kingdom. But the hon. Gentleman said he would restrain the sale of liquors at a particular time when nobody wanted to drink. Well, but if nobody wanted to drink during the time referred to, where was the occasion for this Bill? Why that perpetual "meddling and muddling" system, which was so much favoured by certain hon. Members of that House, who were always saying that the condition of the people must be ameliorated—that the people generally were fools, and that they alone were the Solons, the lawmakers, and lawgivers who would arrange all those matters for them? What was the Report of the Committee on Mr. John Abel Smith's Bill? He would remind the hon. Member for Leeds of the unfortunate course which he had taken on that occasion. That hon. Gentleman, addressing the Committee from day to day, spoke of the pain he suffered at seeing the unfortunate condition of the people from their indulgence in intoxicating drinks. But the Committee did not listen to his speeches; they struck out every clause of the Bill, precisely as the Home Secretary must do in regard to the Bill of the hon. Member for Warrington; indeed, the Bill was put aside entirely—the Chairman of the Committee (Sir James Fergusson), a Scotchman, entirely agreed with the majority of the Committee, and was decidedly against the Bill. The Bill was ultimately negatived by a majority of 8 to 3. The Committee afterwards agreed to a Report drawn up by the hon. Member for Sandwich (Mr. Knatchbull-Hugessen),

which stated that drunkenness had diminished greatly, and that they did not think it proper to interfere with the rights of the people in reference to this subject. The Committee further expressed their belief that drunkenness would continue to decrease, if the people were not interfered with by coercive measures. Now, he very much regretted to find, from the peculiar state of the Treasury benches, that they could not obtain the opinion of the hon. Member for Sandwich upon the present measure, because that hon. Gentleman was well acquainted with the evidence upon which he drew up the Report alluded to. Before any action was taken on this question by the Secretary of State, he thought the House was bound to negative the Bill of the hon. Member for Warrington. And then, if they were to have legislation upon the licensing system, it ought to be by means of a new Bill containing a single clause, though he did not believe the noble Lord the Member for Liverpool would like to see this subject settled by a mere skeleton Bill of such a character. But it would appear that the hon. Member for Warrington had no confidence in the Secretary of State—indeed, the hon. Gentleman did not seem to have any confidence in anybody but himself. For his (Mr. Locke's) own part, he should certainly vote against this Bill on a division.

LORD CLAUD HAMILTON said, there was the greatest anxiety that this Bill should be carried out in Ireland, and he should support the second reading with that view. He was much gratified by the statement which had been made by the Home Secretary, and anticipated the best results from his judgment, knowledge, experience, and responsibility being brought to bear on this question; and in connection with that part of the subject, he would observe that it was obvious that the hon. and learned Member for Southwark (Mr. Locke) could not have read the Preamble of the Bill, for there was nothing in it in any way inconsistent with the adoption of the recommendation contained in that statement. There was a very large and important class who earnestly desired legislation in this direction. He hoped the hon. Member for Warrington (Mr. Rylands) would accept the proposal which was made to him by the Secretary of State.

Mr. Locke

MR. M'CARTHY DOWNING referred to a Memorial, signed by 59 corporations in Ireland and 937 magistrates, earnestly urging the Government to adopt measures for prohibiting the sale of intoxicating liquors upon Sunday in Ireland, for the purpose of showing that the question had attracted great attention in Ireland. He, however, could only support the Bill upon the understanding suggested by the right hon. Gentleman the Secretary of State for the Home Department.

MR. NEWDEGATE said, he thought it impossible to pass this Bill, although there was a strong agitation in its favour. It would be unwise to foment that agitation by a blank refusal. He would, therefore, support the Bill if a pledge were given that it should be committed only *pro forma*, with the view of converting it into a Limitation of Hours Bill.

MR. MURPHY said, there would not be the slightest use in passing a Limitation of Hours Bill, until the licence system had been entirely re-modelled. He could not support the second reading.

MR. RYLANDS said, that, after the very general expression of opinion, he should accept the proposal of the Government, which he had ascertained would be perfectly in order, in the hope and expectation that the Bill, as altered, would pass this Session.

MR. BRUCE said, his hon. Friend must fulfil all the conditions. The Bill must be converted into a Bill of Limitation.

COLONEL BARTTELOT said, he thought the House had been placed in a position of great difficulty. The hon. Member for Warrington (Mr. Rylands) having brought in a Bill absolutely to prohibit the sale of liquor on Sunday should either stand or fall by it. He was surprised that the Secretary of State should have made the suggestion he had done. If, as he believed, the right hon. Gentleman was in earnest with his Licensing Bill for next year, it ought to embrace everything now proposed to be touched by the Bill of the hon. Member for Warrington. This sort of piecemeal legislation was most mischievous, and he ventured to say there was a good deal of humbug in it. Many hon. Members were no doubt honest in their intentions, but he believed a good many were dishonest; he meant that while anxious to satisfy some of their consti-

tients in voting for such a measure as that, they would be exceedingly happy to see it thrown out.

MR. D. DALRYMPLE said, he thought that there should be a distinct understanding that the hon. Member for Warrington would take upon himself the responsibility of altering the Bill as suggested.

ALDERMAN SIR JAMES LAWRENCE said, he could not support the second reading, because they had evidence that closing publichouses in New York had led to increased drunkenness. If the House should pass the second reading, they would in that way sanction a principle that they would not be prepared to stand by, and against which they were indeed almost unanimous. He hoped that the Bill would be withdrawn, and then a Bill of limitation could be brought in in its stead.

MR. STRAIGHT said, it would be very annoying to the administrators of the law to have to apply one law with reference to the liquor traffic on Sunday, and another law with reference to that traffic on week days. He thought the whole Licensing Law should be consolidated into one statute, for it would be found mischievous to deal with the question in the partial manner proposed. He hoped the hon. Member for Warrington would withdraw this Bill, and if the Home Secretary was afraid to introduce another Bill, perhaps some hon. Member would do so.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 147; Noes 119: Majority 28.

Main Question put, and agreed to.

Bill read a second time, and committed for To-morrow.

SUPPLY—REPORT.

Resolutions [June 20] reported.

SIR COLMAN O'LOGHLEN said, he desired to draw attention to the fact that there still appeared upon the Estimate for the Packet Service, a memorandum that no money was to be applied to the payment of any contract that had been entered into with Mr. Joseph George Churchward. As the contract with that gentleman expired in January, 1870, there could be no object in keeping this

memorandum on the Estimates, except it was for the purpose of perpetuating a party triumph.

MR. BAXTER said, that the hon. and learned Baronet should give Notice of his intention to take the opinion of the House upon the question if he objected to the Estimates in their present form.

Resolutions agreed to.

DEAN FOREST AND HUNDRED OF ST. BRIAVELS BILL.

Select Committee on the Dean Forest and Hundred of St. Briavels Bill nominated:—Mr. BAXTER, Sir MICHAEL HICKS-BEACH, Mr. MARLING, and Mr. KENNAWAY, and Three Members to be added by the Committee of Selection:—Power to send for persons, papers, and records; Three to be the quorum.

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, 22nd June, 1871.

MINUTES.]—PUBLIC BILLS—First Reading—House of Commons (Witnesses)* (198); Glasgow Boundary* (199); Sasines Register (Scotland)* (200); Metropolitan Board of Works (Loans)* (201); Tramways (Ireland)* (203).

Second Reading—Courts of Justice (Additional Site)* (182); Corrupt Practices Act Amendment* (173).

Select Committee—Locomotives* (180), nominated.

Committee—Report—Metropolitan Commons Supplemental (No. 2)* (174); Land Drainage Supplemental* (175); Poor Law (Provisional Orders Confirmation)* (168); Drainage and Improvement of Lands (Ireland) Supplemental* (172); Police Courts (Metropolis)* (125).

Report—Dogs* (191-202).

Third Reading—Burial Law Amendment* (126); Public Health (Scotland) Act (1867) Amendment* (148); Betting* (129); Gasworks Clauses Act (1847) Amendment (No. 2)* (192), and passed.

Withdrawn—Ecclesiastical Courts (84); Ecclesiastical Procedure and Registry* (85).

ECCLESIASTICAL COURTS BILL—(No. 84.)
(The Earl of Shaftesbury.)

COMMITTEE. BILL WITHDRAWN.

Order of the Day for the House to be put into Committee, read.

THE EARL OF SHAFTESBURY said, that the accumulation of business in the House of Commons precluded any hope of this measure, and the Ecclesiastical Procedure and Registry Bill, being con-

sidered there this Session. He therefore proposed to withdraw those Bills, with the intention of re-introducing them early next year.

Moved, "That the said Order be discharged."—(*The Earl of Shaftesbury*.)

EARL BEAUCHAMP said, he had received a statement from Messrs. Moore and Currey, a respectable firm of proctors in Doctors' Commons, with regard to the *Purchas* case, which, according to the noble Earl (the Earl of Shaftesbury), occupied nearly three years and, although undefended, cost one side almost £8,000. They stated that the facts were as follows:—

"The cause in the Arches' Court began (by the issue of the citation) in October, 1869, and was argued in the following month, and judgment was given on the 3rd of February, 1870,—i.e., in about four months from its commencement. The judgment in the appeal to the Judicial Committee was delivered on the 23rd of February, 1871,—i.e., within 13 months of the judgment in the Arches' Court. The appeal would have been more speedily disposed of but for the death of the promoter (Colonel Elphinstone) pending the proceedings, which necessarily occasioned delay. As to the cost, it is stated to have amounted to £8,000. The actual expenditure by us as proctors in the original cause and appeal has amounted, exclusive of our own charges, which are not yet ascertained, to £2,200, of which about £1,500 has been paid in fees to counsel, the remainder to witnesses, printers, and shorthand-writers. No further outlay has been incurred in the Courts, and whatever system of procedure may be ultimately adopted, the above expenditure cannot be avoided. It is common to all cases in all Courts where the parties insist upon the employment of four counsel of eminent ability. If the statement is well founded that £8,000 has been expended, the difference between that sum and what is shown above must have been incurred in preliminary inquiries and what is commonly called 'getting up the case.' This cannot fairly be charged to a defect in the existing system, but must have been equally incurred in whatever Court the case was to be ultimately tried."

THE EARL OF SHAFTESBURY said, it was true that he had mis-stated the expenses in the *Purchas* case. He should have stated that the expenses were £5,000. In mentioning £8,000 he was thinking of another case which really cost that sum, though, like the *Purchas* case, it was unopposed. He left their Lordships to imagine what the amount would have been had there been opposition. But even if the expenses were no more than £5,000, how important it was that Courts where such costs could be incurred should be re-modelled. It was of vital importance that a Court should be constituted as soon as possible, as cheap

The Earl of Shaftesbury

and easy as the County Court—for it was manifest that opposition was arising to the judgments given by the Judicial Committee, and the Bishops would be called upon to maintain the law of the land. He appealed to the House whether they could do this while the expenditure of time and money remained what they were at present.

LORD ROMILLY regretted the withdrawal of the Bill, for had it passed through this House this Session it would have occupied very little time next year, and would have had a fair chance of passing through the other House; whereas he feared that a reform which had been aimed at for upwards of 20 years was now indefinitely postponed.

THE MARQUESS OF SALISBURY must confess he had heard with alarm the noble Earl's suggestion that the Courts which were to decide such cases as the *Purchas* and the *Bennett* cases should be made as simple as the County Courts. If this was really the object of the Bill it was desirable that it should be made a little more comprehensive. If the noble Earl meant that the law laid down by the Judicial Committee was to be enforced like County Court judgments upon every clergyman in the kingdom, that tribunal should be made a little more tolerable to those subject to its decisions, and a little more consonant with the spirit which governed the other tribunals of the country. That tribunal was one of the greatest grievances of which Churchmen had to complain, for it was the only tribunal of last appeal in this or any other civilized country where the law was not laid down by lawyers. He was aware that there were local jurisdictions of primary instance in which unlearned persons were employed; but in no civil case was the law laid down by a Court of Final Appeal except by persons whose minds had been practised in the study of the law, and whose temperament and disposition had been drilled into impartiality by the long practice which all lawyers obtained. On the Judicial Committee of the Privy Council the law was laid down in part—it might be in great part—by Bishops. Now, nobody would exceed him in reverence for the Episcopal office and all that properly appertained to it; but it was about as sensible to ask a Bishop to lay down the law in the last resort as it would be to ask an Admiral or Commander-in-

Chief to do so. It was a duty which required special training, and it was a grievous hardship to those submitted to the jurisdiction if persons learned in the law were not employed. He believed that the Judicial Committee required in other points the careful supervision of those concerned with the amendment of the law, before its judgments were enforced with the simplicity proposed by the noble Earl. He would urge that it should be a Court of fixed constitution. At present it was often difficult to discover who were the Judges in the particular case. He believed the President of the Council in every case appointed the Judges; but, as he understood, it was practically done by a gentleman for whom all had the greatest respect, Mr. Henry Reeve, the Registrar. This did not seem a satisfactory state of things for a tribunal dealing with matters which excited people's passions and feelings to the highest degree, and on which parties were angrily divided. Nobody conversant with the matter could harbour the unworthy suspicion that the Court was ever packed for the trial of a particular case—he had no apprehensions on that score—but it was because the action and constitution of the Court should be above all suspicion that he would urge the noble and learned Lord on the Woolsack to provide some fixed constitution, so that the Court should not be constituted afresh for the particular case it had to consider. Then, again, the practice of a collective judgment seriously diminished the authority of its decisions, for it was not known whether lawyers or Bishops had given any particular judgment, and one was driven to rely on internal evidence. The weight of all judgments depended on those who delivered them; and great advantage resulted from the practice of delivering judgments *seriatim*, which prevailed in other Courts. It was of considerable importance whether a decision was unanimous or not, and if not unanimous whether it was the Judges of greater or less authority who gave the decision. These questions required earnest attention if what he should call the disastrous and sinister vitality proposed by the noble Earl were given to this tribunal. He believed that the danger of the Church of England lay, if anywhere, in litigation. It would not fall by attacks from without; but it might be split by the ill-

directed energy of friends within. Be this as it might, if the clergy were to be driven to conform in the minutest particulars to the judgment of the Court, it should be a Court formed of lawyers, constituted in a manner above suspicion, and acting in a way common to all other tribunals in the realm.

EARL GRANVILLE said, that his noble Friend the President of the Council was responsible for the composition of the Court, though Mr. Reeve took the principal share of ascertaining what Judges were able to attend, so that a Court might be constituted. Mr. Reeve invariably consulted the Lord President, who on some occasions called a Cabinet Council to consider whether the proposed composition of the Court would be satisfactory and fair. He would offer no opinion as to whether the Court benefited by the assistance of the right rev. Prelates; but the original idea undoubtedly was that it was desirable that the heads of the Church should form part of the tribunal. The question of collective or separate judgments was one more for his noble and learned Friend on the Woolsack than for himself; but he understood collective judgments had always been regarded as a great advantage in the decisions of the Privy Council. The other plan was likely to weaken the authority of the judgment, for it might be said that the two Judges in the minority were men of greater weight than the three who decided a question.

LORD CAIRNS said, it was a mistake to suppose that any right of selecting Judges for any particular case existed. Every member of the Judicial Committee had a right to sit on every matter which came before it. The statement of the noble Earl opposite (Earl Granville) referred, he thought, to other Committees of the Privy Council which were occasionally required for the purpose of hearing appeals as to University statutes, in which cases the composition of the Committee was not laid down by Act of Parliament—so that some action on the part of the Government or the President was necessary. He could testify from considerable experience to the way in which Mr. Reeve performed his duties. The fact was that there was a great unwillingness to attend and undergo the great labour and responsibility of hearing important cases. Mr. Reeve, knowing this, and having an earnest desire to

perform the duties of his office effectively—no public officer could discharge them better—was in the habit of making himself acquainted with the arrangements of those who might be expected to attend, with a view—not to decide who ought to attend to hear particular cases—but as to whose services were obtainable, in order that some kind of Court might be constituted. He did not believe Mr. Reeve had ever interfered in any other way, and whatever objections might be made to the composition of the Judicial Committee as an ecclesiastical tribunal, it ought to be understood that no person had any power of selecting some and excluding others, and that the Registrar's endeavour to procure the attendance of individuals had merely arisen from anxiety lest there should be no quorum.

THE LORD CHANCELLOR said, he was glad the question had been raised by the noble Marquess (the Marquess of Salisbury), for there could not be a more mistaken impression than that any selection was made with reference to the attendance of members of the Judicial Committee. As his noble and learned Friend (Lord Cairns) had explained, every member had a right to attend, though not bound to do so. At one time, indeed, those who had filled particular offices and were in the receipt of pensions, deemed it their duty to attend regularly; but, in process of time, as was not surprising, years and infirmity prevented them, and—as he recently mentioned—there were now five Judges of experience and eminence who had gradually discontinued their attendance. He did not say there was a formal summons to the members, for this was regarded as insisting on attendance; but great care was taken to ascertain whether all those accustomed to take part were willing to attend. There was no wish to exclude—the difficulty being that of including all those whose attendance would be desirable. With the praise bestowed on Mr. Reeve every one connected with the Committee would entirely concur. He assisted those who were able and willing to attend in finding coadjutors, and there had been no instance that he could recollect of anything but a desire to include as many as were willing to attend. No selection was made. As to the manner of delivering judgments, whether separately or collectively, this House was

Lord Cairns

hardly a precedent, for the judgments delivered in their Lordships' House were, strictly speaking, speeches; a regular Motion was made, on which a vote was taken. But for this question of form there would, probably, as in the Judicial Committee, be a collective judgment. The practice in the Committee was laid down, he thought, by Lord Kingsdown, and for very good reasons. It was desirable, for the information of the Court above, that judgments *in banco* and in the Exchequer Chamber should be delivered *seriatim*; but when a matter came to the Court of Final Appeal individual judgments would serve no purpose, but would merely create heartburnings and jealousies—for the law would then have been settled, and could not be altered except by Parliament. Any dissatisfaction with the Judicial Committee, founded on the impression that there was partial summoning or anything like packing, was wholly unfounded, and could only be due to the jealousy always observable when men's passions were excited, and when they were more intent on their own conceptions and ideas than on submitting themselves to the law. The difficulty consisted in the insufficient number of Judges willing and able to attend. A Bill to remedy this had been prepared by him, and, had time permitted, would have been proceeded with this Session, and attention would continue to be directed to that matter.

THE ARCHBISHOP OF CANTERBURY desired that there should be no misapprehension as to the position of Bishops on the Judicial Committee. The noble Marquess (the Marquess of Salisbury) appeared to fear that the Church was likely to be subjected to a course of Bishop-made law, and to regret that Bishops should be judges in cases requiring a knowledge of law. Now, he had sat many times on the Judicial Committee, and had never found a lack of readiness on the part of legal members to defer to the Bishops as to matters which, though not theological, necessarily touched on theological points, or of lack of readiness on the part of the Bishops to defer to their colleagues on matters of law. Notwithstanding all he had heard, his opinion remained unchanged—that it was better on the whole that there should be some persons on the Committee acquainted with theology; not that the questions at issue were theological, but

that there were legal questions which touched persons holding certain opinions, and that the greatest lawyers might make mistakes unless they had the assistance of theologians. In proof that this view was borne out by the lawyers themselves, he would mention that in certain cases not arising under the Church Discipline Act the Bishops had no right to sit. But in the first case, in which he took part, he was summoned, and Archbishop Sumner, to be present as assessors. Their presence was not legally necessary; but the Court thought it right to summon Bishops as assessors—apparently a declaration on their part that it was well to have the advice of persons acquainted with the theological points in the questions at issue, even when the law did not strictly command their presence. The Judicial Committee was sometimes very unpopular; but he had observed that it was generally unpopular with those against whom it had decided, and he believed this was no peculiarity of this particular tribunal. He had sat upon it in cases in which it was very popular, because the person condemned had no large following; but if it happened that the person condemned had a large following, the Court was for a time very unpopular. He could not help thinking there was a good deal of unworthy agitation in this matter when such an argument was brought forward. When he first sat on the Episcopal bench there was a great scheme for radically reforming the Judicial Committee by turning all the lawyers out of it. The idea was that there should be only Bishops. Years went by, and at last it occurred to a certain number of persons that, if the Bishops could only be got rid of, the decisions of the Court would only be the opinions of lawyers, and might be represented as having nothing to do with the Church, which might be considered quite independent. Now, till the persons who objected to the present Court had some definite idea what they wished to substitute for it, he—though fully convinced that the Court, like all human institutions, was capable of great improvement, but having never heard a proposal for a better plan—was content to put up with the present tribunal.

THE EARL OF CARNARVON remarked that judgments often derived weight from the persons who delivered them,

and a considerable and increasing difficulty was likely to arise with regard to cases in which it was impossible to tell how far the Bishops on the Judicial Committee coincided with the judgment. He believed that the two Archbishops and the Bishop of London were the only Prelates who sat on the Committee. He was not aware whether they did so by virtue of the sees they held, or as Privy Councillors. In this respect the Judicial Committee laboured under a serious disadvantage as contrasted with the old Court of Delegates. The latter enjoyed the right of selecting any person, lay or clerical, civilian or layman, to take part and give counsel in important questions; but since it had been superseded by the Judicial Committee, the choice of the Crown was limited to Privy Councillors. Now, there might be cases which were theological as well as legal, yet, under the present constitution of the Court, it was impossible for the Crown to select the ablest theologian or highest casuist in the country to bring his judgment to bear on the matter. Were Bishop Butler or Jeremy Taylor now living, they could not sit on the Committee. As to collective judgments, not only this House but every other Court in the country except the Judicial Committee, allowed its members the option, at all events, of expressing an opinion separately, and it deserved consideration whether the Judicial Committee should not adopt the same course.

THE EARL OF SHAFTESBURY said, that the constitution of the Judicial Committee formed no part of his Bill. He disclaimed any desire of promoting litigation in ecclesiastical matters, and he believed that were the Bill passed very little litigation would arise. The noble Marquess (the Marquess of Salisbury) must be aware that it was the character of Englishmen to struggle hard for a right, and having got it, oftentimes not put it into execution. The knowledge of the existence of such a power, however, would operate as a restraint on a great number of the clergy who were giving way to pedantic proclivities. To refuse justice by making it expensive and dilatory was not wise or statesmanlike. The ecclesiastical laws of the realm were among the statute laws of the land, and people had a right to enjoy full access to and benefit from them. As to those gentlemen who

were resisting the law, their course would be to do all they could either to amend the law, or to amend the formation of the Judicial Committee; but they did neither one nor the other; they must then obey the law as it stood, or secede from a Church to which they could not conform.

Motion *agreed to*; Order *discharged* accordingly; and Bill, by leave of the House, *withdrawn*.

ECCLESIASTICAL PROCEDURE AND REGISTRY
BILL. [NO. 85.]

Order of the Day for the House to be put into Committee, read, and *discharged*, and Bill, by leave of the House, *withdrawn*.

TRAMWAYS (IRELAND) BILL [H.L.]

A Bill to amend The Tramways (Ireland) Acts 1860 and 1861—Was *presented* by The Lord CAIRNS; read 1st. (No. 203.)

House adjourned at half past Six o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 22nd June, 1871.

MINUTES.]—SELECT COMMITTEE—*Twenty-eighth Report*—Public Petitions.

PUBLIC BILLS—*Second Reading*—Railway Regulation Amendment* [195]; Vaccination Act (1867) Amendment* [191]; Public Schools Act (1868) Amendment* [204].

Referred to Select Committee—Local Government Supplemental (No. 4)* [187]; Sewage Utilization Supplemental* [188].

Committee—Elections (Parliamentary and Municipal) (*re-comm.*) [193], *debate adjourned*; Tramways (Provisional Orders Confirmation) (*re-comm.*)* [197]—*R.F.*

Considered as amended—Kingsholm District Boundary* [185].

Third Reading—Ecclesiastical Dilapidations* [202]; Metropolitan Building Act (1865) Amendment* [200], and *passed*.

HERRING BRAND IN SCOTLAND.

QUESTION.

MR. ELLICE asked the First Lord of the Treasury, with reference to a statement to the effect that the Government intend to abolish two years hence the herring brand in Scotland, Whether he is aware that a Treasury Commission in 1856, after full inquiry, distinctly re-

The Earl of Shaftesbury

commended the maintenance of the branding system; and that another Treasury Commission in 1870, after similar inquiry, as distinctly refused the responsibility of the abolition of the brand; whether Government has received since the Report of the last Commission in 1870 any official information of a contrary tendency to that Report; and, if so, whether such information will be laid before the House; and, whether he will state that no order, notice, or proceeding with a view to the abolition of the brand shall be adopted by the Government until this House has had full opportunity for expressing its opinion upon any proposed change?

MR. GLADSTONE, in reply, said, it was not necessary that he should enter into any considerable detail on this question; but he did not think the hon. Gentleman's facts were exactly correct. The case was this—In 1856 an inquiry was instituted by three Commissioners, of whom two recommended the continuance of the branding system and one recommended the reverse. A second inquiry was made, he thought, in 1866, when the Sea Fisheries Commission reported adversely to the branding system. In 1870 a Treasury Commission on this and other subjects reported that they were unwilling to take the responsibility of advising the abolition of the brand. The Treasury had not received any official information since 1870; but both the Treasury and the Board of Trade had expressed departmental judgments adverse to the branding system. As to the last Question, he hoped he could give the hon. Gentleman entire satisfaction, because there was no intention whatever of taking any proceedings upon the subject during the time that would elapse before the matter could naturally come under the consideration of the House by any Vote in Supply that might be taken next year for the Fishery Board. The hon. Gentleman would, therefore, have an opportunity on that occasion, even if he had not on any other, of promoting further discussion on the subject.

ARMY—ROYAL ACADEMY AT WOOLWICH.
—SONS OF MILITIA OFFICERS.

QUESTION.

MR. CORRY asked the Secretary of State for War, Whether, in consequence

of the more intimate relations intended to be established between the Regular Army and the Militia, he will consider the propriety of admitting, by competitive examination, the sons of officers of the Militia to be educated at the Royal Military Academy at Woolwich, on the same terms as the sons of officers of the Line?

MR. CARDWELL, in reply, said, the advantages given to sons of officers in the Royal Military Academy at Woolwich are on account of the dangers to which their parents are exposed on foreign service, and he did not think it desirable to extend the same privilege to the sons of officers in the Militia.

ARMY—ADJUTANTS IN THE RESERVE FORCES.—QUESTION.

EARL PERCY asked the Secretary of State for War, Whether, in the event of the Army Regulation Bill becoming Law, officers now serving as Adjutants in the Reserve Forces will be called upon to resign their commissions; and, if not, upon what conditions they will be permitted to retain them?

MR. CARDWELL: Officers who have obtained adjutancies since the introduction of the Bill have received notice that they take them subject to any regulations which may hereafter be made with respect to their tenure and duties. Adjutants appointed before will hold their appointments on the old conditions, so long as they continue to discharge their duties faithfully.

EPHING FOREST—INCLOSURE AT WANSTEAD FLATS.—QUESTION.

MR. HOLMS asked Mr. Chancellor of the Exchequer, Whether it be true, as stated in the public journals, that an enclosure of thirty acres of Epping Forest has been made at Wanstead Flats during the past week by the representatives of Earl Cowley; and, if so, whether the Government intend to institute proceedings in the matter?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, there had been an inclosure of some rough land at Wanstead Flats by the Lord of the Manor (Earl Cowley). It was inclosed by a fence, which did not offer any obstruction to the feeding of deer, supposing there were any deer to be fed

there. It was not his intention to involve the public in any litigation on the subject.

UNITED STATES—TREATY OF WASHINGTON.—QUESTION.

SIR CHARLES ADDERLEY asked the First Lord of the Treasury, If he will give an early day for his Motion relating to the Washington Treaty?

MR. GLADSTONE, in reply, said, he subscribed to the general principle that it was particularly fit and becoming for that House to take an opportunity of obtaining any explanation, which might be thought desirable, and of passing a judgment which might be thought fit, on the conduct of the Government, or of those who acted on the part of the Government, in respect to the Treaty of Washington. When the right hon. Baronet asked that an early day might be fixed for the discussion of his Motion on the subject, he hoped that what was meant by "an early day" would be construed with some latitude, because the present state of Public Business, and the inconvenience of postponing Bills beyond a certain date of time, when measures of importance should be sent to the House of Lords, constituted a very serious difficulty in the case. However, he suggested that the right hon. Gentleman should communicate with him on the subject, for he was desirous that the right hon. Gentleman should have the opportunity of bringing forward his Motion before a period of the Session when it might be inconvenient for Members to attend to take part in the debate.

METROPOLIS—NEW STREET FROM TOTTENHAM COURT ROAD TO CHARING CROSS.—QUESTION.

MR. RAIKES asked the hon. Member for Bath, Whether a proposal for the expenditure of £200,000 on the new street from Tottenham Court Road to St. Martin's Place, now intended to be made under the provisions of a Bill at present before Parliament, has been entertained by the Metropolitan Board of Works; whether eminent Contractors have not expressed their willingness to make this new street free of cost; and, whether the Metropolitan Board of Works seriously contemplate so large an outlay of money to be obtained from the

ratepayers of London under these circumstances?

SIR WILLIAM TITE said, in reply, that the Metropolitan Board of Works proposed to contribute £200,000 towards the construction of a great and important street from Tottenham Court Road to the Strand. It was to be 60 feet wide. He was not aware that there ever was any offer made to the Metropolitan Board by "eminent contractors to make this new street free of cost." The facts were these:—In 1864 an Act was passed to make a railway connecting the northern and southern railways, and that had something to do with some proposition for making this great street. However, that Act having passed, four years elapsed and nothing came of it. The Metropolitan Board were then requested to take up the street by the parishes principally concerned. At that time a new proposition came from very respectable quarters to construct a railway somewhat on the old line; and if hon. Members desired to see the importance of the railway and street together they should look at the plans which he had placed in the Library relating to both. The Act for the construction of the railway had passed that House, and was at present in the House of Lords. In 1870 an application was made to the Metropolitan Board by a Mr. George Elliot, who had something, he believed, to do with the former railway in 1864, who stated that he could bring forward, if the Board would give him power, respectable contractors who would take the whole matter in hand. The Board paid every possible attention to the application of Mr. Elliot, who, unluckily, had been unfortunate previously. However, attention was paid to his communication, and he was requested—that the Board might consider the question—to mention the names of the contractors to whom he referred. They were inquired into by the proper officers for the Metropolitan Board, who were told they had better have nothing to do with them. The other parties promoting the present Bill were men of great wealth and respectability. The street, it had been ascertained, would have cost half a million of money; but by the railway going under the street the parties had undertaken with the Board to complete this important project for the sum of £200,000.

Mr. Raikes

He hoped the House would agree with him that the Metropolitan Board had been wise in agreeing to that arrangement.

THE HEIRS OF WILLIAM PENN.

QUESTION.

MR. ANDERSON asked Mr. Chancellor of the Exchequer, Who are the parties now in receipt of £4,000 a-year pension granted in 1790 to the heirs of William Penn; whether he is satisfied that the grounds on which it was granted were such as to make it a fair and legitimate perpetual burden on the people of this Country; and, whether it is not desirable and possible to arrange some limit to its duration?

THE CHANCELLOR OF THE EXCHEQUER: In reply, Sir, to the first Question of my hon. Friend, I have to state that the person at present in receipt of the pension is Mr. William Stewart, the representative of William Penn. With respect to the grounds on which that pension was granted, the circumstances are such as no Englishman can think of without regret. The family of William Penn were the possessors of property in the State of Pennsylvania, estimated by the Commissioners at £500,000. That property was lost to the family entirely in consequence of their adhering to the mother country and her colony. In 1790 Mr. Pitt proposed, as a very inadequate compensation, as he thought, for the loss sustained by a family which had rendered great public service in the Plantation of Pennsylvania, that a pension of £4,000 should be granted to them. So far as I can collect, the sense of the House rather was in favour of £5,000 than £4,000; but ultimately it was agreed between Mr. Pitt and Mr. Fox, without any dissentient voice, that the amount should be £4,000. It was declared that the pension should be placed on the Consolidated Fund, and be considered in the nature of real property, and subject to all the provisions of any settlement as real property would be. The pension was removed from the Consolidated Fund and placed on the Estimates, but I am distinctly of opinion that, under the circumstances, and after an enjoyment of 80 years, it would not be consistent with public credit and good faith

to alter it. The third Question of the hon. Gentleman is whether it is not desirable and possible to arrange some limit to the duration of this pension. Certainly I think it is not possible or desirable to limit the grant that Parliament made; but in several cases we have purchased up such pensions—the pension, for instance, of the Duke of Grafton—and I do think such a proceeding would be both wise and prudent. I will give my attention to the subject, and see whether some terms could not be come to with the heirs of William Penn for purchasing up this pension.

ARMY—THE RESERVE FORCES.—ADJUTANTS' COMMISSIONS.—QUESTION.

MR. HOLMS asked the Secretary of State for War, Whether, in the event of the Army Regulation Bill becoming Law, he will take such steps as shall render impossible in the future payments of sums of money for Adjutants' commissions in the Reserve Forces; payments which, notwithstanding the solemn declaration made by each recipient of an Adjutant's commission—namely—

"That he thereby declares, upon his honour as an officer and a gentleman, that, in order to obtain the appointment of an Adjutant in the he has not given, paid, received, or promised, and does not believe that anyone for him has given, paid, or received, directly or indirectly, any recompense, reward, or gratuity to any person or persons whatever,"

have hitherto been notoriously common?

MR. CARDWELL replied that it certainly was his intention, if the Army Regulation Bill became law, to take such steps as might be in his power to render impossible in future the payment of any sums of money for Adjutants' commissions in the Reserve Forces, and he hoped those steps would be effectual for the purpose.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (re-committed) BILL.

(Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.)

[BILL 103.] COMMITTEE.

Order for Committee read.

MR. G. BENTINCK rose to move—

"That it be an Instruction to the Committee that they have power to make provision therein for the better prevention of bribery and corruption at Elections."

["Order, order!"]

MR. SPEAKER: It is proper that I should inform the hon. Member that it will not be necessary for him to move the Instruction he proposes, as it will be in his power in Committee to propose any clauses or Amendments on the subject of bribery which he may desire. As the hon. Member has reminded me that in 1860, on the Bill to amend the laws relative to the Representation of the People in England and Wales, an hon. Member (Mr. Hunt) moved an Instruction similar to that which he now proposes, and that the same course was taken in the year 1866, I looked back to both Bills. They defined the right of voting in counties and cities and redistributed seats. There was no reference whatever to bribery and corrupt practices or the means for suppressing them. Now, in the Bill before the House this evening there is a series of clauses—from Clause 22 to Clause 28—relating distinctly to corrupt practices—that is to say, to bribery, treating, and personation, to which other clauses might be added. Under these circumstances, the hon. Member will see the great distinction that exists between the two cases. The hon. Member will see that in the present instance an Instruction to the Committee is unnecessary, and, therefore, that it is contrary to the Rules of the House that it should be moved.

MR. G. BENTINCK said, he was perfectly satisfied with the right hon. Gentleman's decision, and more especially so since he understood that he was at liberty to move clauses relating to bribery and corruption. Acting upon this understanding, he begged to give Notice that he should move such clauses in Committee.

MR. J. LOWTHER rose to move—

"That it be an Instruction to the Committee that they have power to provide for the redistribution of the seats now vacant through the disfranchisement of the Boroughs of Beverley, Bridgwater, Cashel, and Sligo."

The hon. Member said, he thought there could scarcely be any serious objection to this proposal. Without detaining the House with any lengthened argument in its favour, he must remind hon. Members that although the question did not come within the scope of the Preamble it certainly did within that of the Bill, which was entitled an Elections (Parliamentary and Municipal) Bill, although for some inscrutable reason the

right hon. Gentleman the Prime Minister invariably termed it the Secret Voting Bill. The subject-matter of the Instruction he proposed was one that urgently demanded the attention of Parliament, especially that part of it which related to Ireland, the representation of which suffered more severely from the suspension of two of its seats than did that of England. The noble Lord the Chief Secretary for Ireland, in reply to a Question from the right hon. and learned Baronet (Sir Colman O'Loughlin) the other day, said—

"The Government were desirous, as soon as possible, of providing for the allocation of the vacant seats; but he declined to give any pledge on the part of the Government as to the time when and the manner in which the Government would attempt to dispose of them."—[3 *Hansard*, cccvii. 195.]

Nothing could be more contrary to the spirit of the Constitution than that representation should be withheld for an unlimited time without some definite reason being assigned for such suspension. It was true that certain seats were suspended in the representation of England in 1861; but, although at that time every public man in the kingdom was distinctly pledged to an early consideration of the question of Parliamentary Reform, which was a good reason for refraining from giving those seats to other constituencies, the House, acting upon the constitutional principle to which he had referred, distributed those seats, although the new constituencies were unable to avail themselves of their privilege until the next dissolution, which did not occur until four years after it had been conferred upon them. Parliament should determine either that these seats should be re-apportioned, or else that the Members of that House should be reduced. He did not intend at that moment to enter into the question as to what use the Committee ought to make of the power he proposed to confer upon them, as in the event of the House agreeing to his Motion he should have another opportunity of discussing that subject. Having expressed a hope that Her Majesty's Government would not put him to the trouble of dividing the House, the hon. Member concluded by moving the Instruction of which he had given Notice.

Motion made, and Question proposed,
"That it be an Instruction to the Committee, that they have power to provide for the redistribu-

tion of the seats now vacant through the disfranchisement of the Boroughs of Beverley, Bridgewater, Cashel, and Sligo."—(Mr. James Lowther.)

MR. M'CARTHY DOWNING seconded the Motion, and complained that Ireland, possessing as it did so small a share in the representation of the United Kingdom, should have been so long deprived of two of its seats. He did not mean to suggest that Sligo and Cashel had been improperly disfranchised; but as the county of Cork had more than 16,000 electors and only two representatives, he thought Queenstown, which was a place of great commercial importance, was entitled to one of the vacant seats.

MR. GLADSTONE*: There are two questions which arise in connection with this matter. First, whether an attempt ought to be made at this particular juncture of affairs by Parliament to dispose of certain vacant seats; and, secondly, whether such a proposal ought to be carried out by means of the Bill now before the House. As regards the first of these questions, I think the hon. Member (Mr. J. Lowther) has stated a proposition of greater breadth than it is easy to sustain. It is quite true that, in 1861, Parliament proceeded to dispose of the then vacant seats; but it is far from true that there was then any expectation of dealing with the subject of Reform. On the contrary, when the Bill of 1860 was dropped, it was under circumstances which rendered it doubtful whether it would be revived at an early date. When Parliament met in April, 1861, not only was it expressly announced that the Government had no intention of introducing a Bill on that subject, but there was no disposition on the part of any party in that House to press them to do it. It was under these circumstances that, in 1861, certain seats were disposed of. But in 1862, when the Government of the day made a proposal to dispose of the seats then vacant, the House determined, by a large majority, that the proposal was not of an urgent character, and might very well wait until a more fitting time arrived for it to be carried into effect. The hon. Member states with truth that the disfranchisement of two seats in Ireland tells more sensibly on the representation of that country than it does upon that of England. But he appears to have misunderstood the reply which the noble Lord

Mr. J. Lowther

the Chief Secretary gave the other night to a Question which had been put to him in reference to the intentions of the Government as to bringing in a Bill for dealing with these seats. The noble Lord on that occasion said it was not the intention of the Government to bring in a Bill dealing with these seats separately, but rather one to effect a general redistribution of the Irish seats, under which these seats also would be dealt with. It was upon this ground, therefore, that the noble Lord declined to pledge himself to introduce a measure dealing with these seats alone, and by so doing he by no means intended to convey that the Government regarded the matter as insignificant, or that it would bear indefinite postponement. I frankly admit that the re-distribution of seats in Ireland is recommended by many considerations of great public importance. The main point is, whether the Bill now before the House offers so manifestly proper and convenient an occasion for dealing with that matter, that an Instruction ought to be given by the House to the Committee for the purpose of enabling and requiring them to deal with the subject. The hon. Gentleman expressed some surprise that I have been in the habit, as he says, of calling this Bill "a Secret Voting Bill." It is a Bill of which that certainly is not a very adequate description. Its title is a long one, relating to the procedure at Parliamentary and municipal elections. I adopted the phrase for shortness, and if I did not adopt a still shorter one and call it "the Ballot Bill," I am aware of no better reason than that I recently perceived a Parliamentary usage of speaking of a secret Ballot, and not of a Ballot simply, and I assure the hon. Gentleman that the use of the words he has mentioned was accidental on my part. I contend that this is not a convenient or suitable occasion for attempting to deal with this case. With regard to filling up these seats, although the case is very different from Ireland, and partly because it is different from Ireland, I am aware of no urgent reason why the House should at present deal with the subject at all; but to deal with it in connection with the present Bill is, I think, a proposal recommended by no one circumstance of propriety. The matters connected with the constitution of this House branch out into several

parts. There is the great question of the franchise. Many of us may think that great question may advantageously receive, at an early period, further attention. There is the question of the distribution of seats. There is the question of the boundaries of boroughs. These are all very large questions, and perhaps hardly any of them have been settled entirely to the satisfaction of the whole House. Then, why are we to force this particular subject into the present Bill? Is it because we have arrived at the 22nd of June? Does the hon. Gentleman think that we should really have such a superfluity of time on our hands when we have disposed of the matter that is in this Bill that in order to fill up our vacant hours it is either expedient or necessary that we should proceed to introduce into this Bill other very important and interesting questions relating to the constitution of Parliament, but which do not specially relate to the subject of this Bill? Our reason is very plain: it is that the hands of Parliament are too full, and the time of Parliament is too limited. If we force this subject into the Bill, we may force into it a number of other subjects, which have as good a claim as this; and upon the practical consideration that Parliament has already as much as we can fairly expect to do, to get through, in a manner becoming the dignity of this House, the proposals that are already before it for consideration, we decidedly object to the needless multiplication of subjects therein.

COLONEL FRENCH complained that Ireland had not been so well treated by either side of the House with regard to this matter. At the same time, he did not think it expedient to take up the time of the House with the subject at present. He protested against the course adopted by the hon. Member for Cork (Mr. Downing), who represented a county that had four-fifths as many Members as the province of Connaught.

MR. DISRAELI: The object of the Motion of my hon. Friend the Member for York (Mr. J. Lowther) is a legitimate one, for it is not proper that vacant seats in this House should be left unfilled, and that representation should remain incomplete. It is one of our first duties to complete the representation of this House, and I think that our legislation will not be

satisfactory to the country if we get into a chronic habit of allowing the representation of the country to be incomplete. But, at the same time, I think the hon. Gentleman will, on reflection, see that it is very difficult to effect his object by connecting it with the present Bill. Because the Bill really relates to proceedings at Parliamentary and municipal elections, and that limit is an obstacle to the course he recommends. At the same time, I must say that I listened to the speech of the Prime Minister with considerable apprehension. It seems that the right hon. Gentleman is determined that this country shall never have rest or tranquillity. I should have thought that the experience of this Session, which began with so much ambition, has proceeded with so much discomfiture, and will probably end with disaster, if not with disgrace, would have induced the right hon. Gentleman to have been a little more reserved in his projects and plans of legislation. Considering the great subject which he has unsuccessfully attempted, and looking to the important matters that he still has on hand, it was hardly discreet to announce to the people of this country that they must prepare for the question of the franchise and the distribution of seats being again discussed and again settled. If those expressions on the part of the right hon. Gentleman are to afford a sort of dram to the flagging energies of the Liberal party, I am not sure that they will produce the effect that was perhaps contemplated. I would observe to the Liberal party, here and elsewhere, that dram-drinking is a very dangerous practice, and it sometimes occurs that when a violent stimulant is taken, the result is only a condition of increased depression. I do not believe that the country generally will receive this intimation on the part of the Prime Minister of England with any satisfaction. I believe that there is throughout this country a conviction that the question of Parliamentary Reform, as regards both the franchise and the distribution of seats, was largely considered and largely dealt with; and that there is a general indisposition that we should again, or at least for a considerable time, apply our energies to the discussion of these subjects. However, after the intimation that has been given, we must be prepared, of course, for all conjunctures and events. I had

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hoped that the right hon. Gentleman would have felt, after the experience of this Session, that it should rather be the object of a wise Minister to tranquillize the public mind. He has contrived, in the exuberance of his energy, to array almost every class in the country against the Government—to make a very considerable portion of the people feel alarmed lest they were about in turn to be attacked. And now, when we are approaching the termination of our labours, that we should be authoritatively informed that the highest questions concerning the distribution of power in this country are probably again and speedily to be submitted to our consideration, is, I think, a course greatly to be deprecated; and greatly deprecated especially at a period of the history of the world when questions concerning the re-distribution of power and the form of Government are so very rife, and when, as I should have certainly thought, a wise Minister would have felt it rather his duty to rally round him those feelings in the country that look with respect upon institutions which, though they may be old, have at least provided that, at a moment of trial and exigency, this country, compared with the condition of others, need not be ashamed.

MR. GLADSTONE: I rise to explain that I entirely disclaim the statements and the announcements which the right hon. Gentleman has made.

MR. MACFIE said, he hoped that the hon. Member for York (Mr. J. Lowther) would be satisfied with the statement that had been made from the Treasury bench. It had long been felt in Scotland that the representation of the country was inadequate; and he held that a re-arrangement of seats was necessary in the interests of Scotland and of the kingdom at large.

LORD JOHN MANNERS: I wish to ask the right hon. Gentleman if my right hon. Friend did not correctly interpret the arguments he brought forward against the proposal of the hon. Member for York (Mr. J. Lowther) what was the meaning of his speech? The right hon. Gentleman unquestionably argued that the Motion of my hon. Friend ought not to be proceeded with now because there were three great subjects connected with the representation which were likely to be raised for discussion.

These three subjects were—the franchise, distribution of seats, and the re-arrangement of the boundaries of boroughs. If the right hon. Gentleman now tells us that he meant nothing by his statement, his argument against the proposal of my hon. Friend falls to the ground. If, on the other hand, he was intimating that he seriously contemplated further legislation on these three important and grave questions, then, of course, the argument of the right hon. Gentleman stands on a very different footing. Unless we hear that the right hon. Gentleman has abandoned or never entertained those schemes of further reform, I must say that the statement we have just heard demands more explanation.

SIR FREDERICK W. HEYGATE said, he would much rather rest satisfied with the present state of the question of the distribution of seats than re-open it; but whenever the seats were re-distributed, he hoped the undoubted claims of Ulster to further representation would not be overlooked.

MR. W. E. FORSTER: I think the short debate we have already had on the Motion of the hon. Member for York (Mr. J. Lowther) is a pretty strong proof that if we were to yield to his wish and adopt his Instruction, there would be very little chance of our arriving at a decision with regard to the real objects of this Bill in the present Session. We see clearly that anything which affects a re-distribution of seats brings up Members from all sides of the House to advocate, as might be expected, the special interests of their constituents, and also brings up the right hon. Gentleman the Member for Buckinghamshire and the noble Lord opposite to speak upon great and important constitutional questions. I think that what has passed must convince the hon. Gentleman that to deal with the subject of his Motion would prevent a fair consideration of the Ballot question by Parliament this year. With regard to the observations of the noble Lord opposite, I wish to remind him that my right hon. Friend did not state that there was any desire on his part to bring all the questions mentioned by the noble Lord before the House; he simply stated that if the Instructions of the hon. Gentleman were adopted it would be quite competent for any Member to bring up any one of those questions.

MR. GATHORNE HARDY: I venture to say that in the speech of the Prime Minister there was no allusion to what propositions other people might bring forward. The right hon. Gentleman stated that he proposed soon to bring before the House the three subjects mentioned by my noble Friend. [MR. GLADSTONE: I beg pardon; I said nothing of the kind.] Whether the right hon. Gentleman intended to say so it is not for me to determine, but whether he did say so is quite another thing; and in proof that, at least, he was supposed to do so, I need only refer to the shudder which he caused among hon. Gentlemen on his own side of the House.

MR. CONOLLY observed, that whenever they put forward the claims of Ireland to just representation they were told that it was the wrong time; and therefore he hoped the hon. Member for York (Mr. J. Lowther) would press his Motion to a division. He could not understand why the supplying of the deficiencies in the representation of the people of Ireland should be postponed to that indefinite period at which a new Reform measure was to be introduced.

MR. SYNAN stated that when the Reform Bill was passing through Parliament, the question of re-distribution in Ireland was not dealt with in consequence of the state of that country at the time. He thought that this was also an inopportune time to consider it, and therefore he could not support the Motion. Still he could not vote against it, because that would be tantamount to saying that there ought not to be a re-distribution of seats. He should, therefore, abstain from voting.

Question put.

The House divided:—Ayes 145; Noes 254: Majority 109.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. ASSHETON CROSS, in rising to move, That this House will, upon this day three months, resolve itself into the said Committee, said, the Bill contained so many provisions to regulate the procedure at elections, both Parliamentary and municipal, some of which were good, some indifferent, and some altogether bad, that it was, perhaps, puzzling in the first instance, to know how to meet such a Bill; but, on second considera-

tion, he came to the conclusion that he ought not to ask how many of its smaller provisions were good, bad, or indifferent, and that it would be better to avoid dealing with minor points, and to discuss its vital principle contained in that part of the Bill, the striking out of which in Committee would be fatal to the Bill itself—namely, whether or not secret voting should for the first time be introduced into that country. He did not desire to deal with the Bill in any party spirit; he cordially concurred in the hope which the right hon. Gentleman the Vice President of the Council had expressed at the close of his remarks on introducing it, that party feeling would not enter into the discussion. So far as his side of the House was concerned, that hope would be realized, and he trusted that hon. Members on the Ministerial side of the House would treat the measure in an equally impartial manner, and that if the Bill was to be considered independently of party on the one side of the House, it would also be considered independently of party on the other side—that they would deal with it, in fact, as their consciences directed, and not vote for it simply because it had been submitted to the House by the Prime Minister. The question was really and truly one of very grave importance, quite independent of party. Some hon. Members with whom he had had the pleasure of speaking, treated the question first of all on the ground of how it was to affect their own seats. That might be a very important question to hon. Members themselves, though not so vital to the country at large. Some treated the question before the House as one merely whether the one party or the other would gain—a very important question for party purposes, though, perhaps, not so vital to the country at large after all. The grave question before them was—how could the House best secure, consistent with the full representation of the people, the best constitution of the House of Commons, ensuring to the voter the giving of his vote freely and purely, and free from temptation; and, at the same time, ensuring to the country that the voter should give his vote according to the dictates of his conscience, and for the benefit of the country? He also agreed with one or two observations which fell from the right hon. Gentleman—that they might rely on the people because

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they had faith in the instincts of the people. But in legislating on that subject, they had to take care that they did not lose sight of the general good for the purpose of remedying one or two particular evils which it was difficult to lay their finger upon. He was willing to abide by the speech of the right hon. Gentleman—that they could trust freely to the instincts of the people. No man was more willing than he to keep the people in the exercise of their vote free from illegitimate influences which might affect their vote, to which the right hon. Gentleman had referred—the illegitimate influences of the priest or landlord, or employer—and it was his desire to secure for the voter the full force of all those legitimate influences to which the right hon. Gentleman had also referred, arising from the education, the character, and the tone of those with whom he lived, and likewise to assure to him the privilege of knowing how all those persons whom the voter looked upon as worthy of his respect and admiration, voted on the questions involved in any Parliamentary contest. It was at the same time his earnest desire to protect voters from the illegitimate influences to which the right hon. Gentleman had not referred—first, that of mob orators, who were in the habit of travelling through the country making statements easy enough to refute at the proper time, but difficult enough, or even impossible to refute when used to a mob by men who did their best to create false impressions and to distort facts; and, secondly, it was also his desire to protect them from another illegitimate influence, one equally dangerous, though of a different character—and that was exercising that which was simply for the common good for the promotion of a private end, which was frequently contrary to the best interests of a nation. Let hon. Members consider, on the very threshold of the question, what was the nature of the franchise which had been given to so many of their fellow-subjects. It used in former times to be argued by Lord Palmerston, and those who had made this question their study, that the vote was a trust exercised by the voter for the good of the country at large; but he found of late years it had been said that that was an exploded doctrine. In recording his change of opinion on that subject, the Prime Minister had said—

"In substance, the change which has been made in the constitution of our Parliamentary system within the last few years is the basis of the change which will be made in my conduct with regard to secret voting."—[3 *Hansard*, ccliii. 1030.]

That, if it meant anything, meant that because they had enlarged the franchise the voter was no longer a trustee for his fellow-subjects. But the right hon. Gentleman, as, he was sorry to say, was occasionally his practice, had argued upon false premises. Surely the voter was at all events a trustee for the remaining members of his family, for the women and children, and for the unenfranchised and disfranchised throughout the country. The voter exercised his vote as a trustee for the nation, not of his own free will for his own private benefit and advantage, but actually and practically for the nation at large. On what other ground did they deprive him of his vote in case of his using it corruptly; on what other principle did they disfranchise the freemen in Dublin, or deprive other boroughs of their share in the representation of the country? And if, as it was said before, when the franchise was less extended, property was a trustee for numbers, they now had a perfect right to say that numbers holding votes as they did, were to be regarded as trustees for the property of the country. But if the vote could not be regarded as a trust, at all events the exercise of it was to be regarded as a public duty, to be performed by the voter like all other public duties openly in the face of day, and subject to the criticism of enlightened opinion. There was no stronger motive which could influence the mind of any person who had any public duty to perform, be it a magistrate, be it a Judge, be it a clergyman, or a Member of that House, than to know that public opinion was at hand to see that he discharged his public duty honestly. That that was formerly the opinion of that House was evident, for in a Resolution passed in 1628, it was stated—

"That the elective right is a franchise not in the nature of a possession, or of privilege, but of service for the public good."

The Prime Minister evidently to a certain extent was of the same opinion, for he further said—

"I should greatly prefer the public to the private discharge of every public function, and therefore I am not able to treat secret voting as an

unmixed good. I look upon it as a choice of evils."—[*Ibid.* ciii. 1031.]

But surely it was evident by a comparison of the number of voters, with the number of inhabitants in some of our larger towns, that the vote was still a trust. Leeds, for instance, with a population of over 300,000 according to the Census of 1861, possessed only 37,000 voters; Liverpool, with 443,000 inhabitants, had only 39,000 voters; and Manchester, out of a population of 357,000 inhabitants, had only 48,000 voters. In accordance with these facts, he hoped that the House would come to the conclusion that he was right in those two propositions as to the nature of the franchise—first, that if it was a trust before the last Reform Bill, it was still as much a trust as it was then; and, secondly, that it was a public duty which it was for the interests of the country that the man holding the franchise should discharge in the face of day, in the face of the criticism of public opinion, and with all the forces acting upon him which acted upon every public functionary who had a public duty to perform. *Prima facie*, therefore, he maintained that the arguments were against the introduction of the change now proposed. And, moreover, that was practically admitted by the right hon. Gentleman the Vice President of the Council himself, because in introducing this Bill he said—

"I am quite aware that objections may be raised on both sides of the House upon the principle of it, as being contrary to their feeling that an election should be performed with publicity, and in concurrence with established English practice. That is, no doubt, a *prima facie* objection."—[*Ibid.* cciv. 544.]

Now, what were the arguments which the right hon. Gentleman used to overcome this *prima facie* objection? He argued that in the conduct of Parliamentary elections in various parts of the world experience was in favour of the Ballot. No doubt, it would be a very strong argument in favour of the proposal now made if the right hon. Gentleman could show the House that absolute secret voting had been established in many other countries subject to the same conditions as ours, and that in those countries it had answered and proved so advantageous that we should be warranted in following the example. Before the Committee, of which he (Mr. A. Cross) was a member, they had had a

very large number of witnesses called for the purpose of giving them the benefit of their experience in other parts of the world. But they should remember that the question now under discussion was not the Ballot, but what the right hon. Gentleman himself had called "secret Ballot" or "secret voting," for if they lost sight of the distinction between the two, they would not reap that advantage from the evidence taken before the Committee which they otherwise might. Now what was the character of the Ballot established in those countries held up to us as an example for us to imitate. In France, the Ballot had been established for a long time, but there was no secret Ballot and no secret voting in France, and as was shown very fairly before the Committee by the hon. Baronet the Member for Chelsea, voting in France was not, practically speaking, any less open than with us. But even if there had been, in the present unfortunate state of that country and in its previous condition under the Imperial rule, he could see no reason why we should look upon the state of things there as one worthy of example for this country. America had frequently in former days been instanced as a case where the Ballot had been successful. In latter years he was aware that that notion had been exploded, for there was now no more secret voting in America than there was in France. Nothing could be worse than the present system. In most of the States secret voting did formerly obtain, but State after State repudiated it, and in no single State of America did secret voting now exist. But even if America had secret voting, was she a country whose example we should wish to follow in the conduct of our elections? Personation was there extremely rife, and the frauds engendered by secret voting were so great, that it was not often that the return represented public opinion; the evidence adduced before the Committee upstairs went to show that the prevalent cry from North, East, West, and South, in the United States was—"Vote early, and vote often." He did not know that that was a practice they would like to follow, and he might observe in passing that the repudiation of the State Debt by the State of Mississippi would never, it was stated by a competent authority, have come to pass but for the facilities afforded by secret voting. The country, however,

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which was mainly relied on by the supporters of the Ballot—because France and America had been practically set aside—was Australia. It was pointed out that there, at all events, the system of absolute secret voting had answered; although in former times elections had been attended there by as much bribery and disgraceful conduct of every kind as had ever prevailed in England, at present nothing could be more orderly, pure, and satisfactory than the mode in which elections were carried on in that colony. He would, however, venture to remark that the whole condition of Australia was so entirely different from that of England, that no fair conclusion could be drawn from her case to influence the House in coming to a decision on the question under their consideration. First of all, as to the state of society both social and political:—In Australia, for instance, there were no old traditions of bribery. Mr. Fitzgerald stated that, although there might be individual cases of bribery, it was impossible that it could be carried on to any extent. Another witness had given evidence to a similar effect, and that being so, he would put it to the House how many Members were constantly unseated in this country after every General Election, while in Australia, before the introduction of the Ballot, Members were unseated very rarely, if at all. Under those circumstances, there being no old traditions of bribery—no Gatton, no Old Sarum—Australia could hardly be set up as an example. Again, as was clearly shown on unimpeachable testimony, there were in that colony no clearly defined political parties, and there was not, as a consequence, the same anxiety with respect to elections displayed by either candidates or voters. One witness distinctly stated that parties did not exist there in the same sense as in England, and that there was no such thing as Conservative and Liberal parties. His views upon that point were strongly corroborated by the Reports which the Governors of the Australian colonies sent home, and which had lately been laid on the Table. Sir James Fergusson said—

"I think that to the absence of any division of parties upon principle must be attributed a certain indifference to acquiring or to exercising the right of voting."

He added—

"I do not instance these facts as effects of the Ballot, but in illustration of the absence of partizan ardour, which must be noticed as at least an equal cause, with the Ballot of the quiet with which the elections are conducted."

Secondly, as regarded persons who became candidates:—The candidates—instead of being eager, as candidates were in this country, for their own purposes, to secure a seat in Parliament, and to obtain which they would spend almost any amount of money—were, according to the evidence which had been given by the hon. Member for Cambridge himself (Mr. R. Torrens), in a great measure composed of members of a squatting class, who did not care to waste their time in serving the public, preferring to increase their means, so that they might as soon as possible be enabled to come back to this country. Thirdly, there were the voters themselves, who were so well off that they were not open to be bribed in the same way as some of the lower classes here, who did not earn such high wages; there being, consequently, a great amount of independence among them, as was shown by the Reports of Mr. Du Cane, who said that—

"Owing to the general circumstances of the Colony, there was no reason to suspect the existence of any organized system of bribery or personation at elections; but that if party spirit ran high, and a wealthy candidate were determined to spend money corruptly, the system of absolute secrecy would not prevent his doing so, but would only tend to throw difficulty in the way of his subsequent detection."

And Viscount Canterbury, writing of the Colony of Victoria, said—

"The immunity which this Colony has hitherto enjoyed and enjoys from the offence of bribery is not attributable to secret voting, but to some other cause; nor is it difficult to discover a sufficient cause in the independent position, with comparatively few exceptions, of the voters."

On these three grounds it was clear that the whole condition of Australia was so totally different from their own in every circumstance and way, that whatever might be the experience of Australia, they could judge nothing, and draw no conclusion from it, which should influence them in coming to a decision on the matter now in dispute; and there were but two other countries to which the advocates of the Ballot had recourse in support of their views before the Committee. One of those was Italy, which was, comparatively speaking, a new country, where everybody had but the

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one wish—that of keeping the country one united Italy, and, consequently, there was an entire absence of party; and the other Greece, which was not seriously to be called into account in discussing the question. He thought, under those circumstances, that the example of foreign countries might altogether be dismissed from the consideration of that House, for it could hardly be contended that that example was such as to establish the superiority of secret over open voting. But the right hon. Gentleman the Vice President of the Council said that the only way in which the voter could be protected was by taking away the temptation to bribery, as would be done by means of the Ballot. He, however, would put that proposition in a different way, as it had been put in a remarkable paper published in 1852. It should, in his (Mr. A. Cross's) opinion, be shown first that it was necessary to have recourse to so severe a remedy; secondly, the right hon. Gentleman must go further, and show that if they had recourse to it, it would attain the object which he had in view; and then there was a third point, which was of equal importance, and that was, that the effect of the remedy should not be to produce more serious evils than those which existed in our Parliamentary system at the present moment. He was quite willing to admit, in the language of the Report of the Committee which had been made to the House, that there still existed, in some places to a great, and in others to a comparatively small extent, bribery, intimidation, treating, and corrupt practices. But whose fault, he would ask, was that? If any hon. Gentleman who had sat in that House for a long series of years would add up the amount of money which he had paid in the shape of election bills, could he say that he believed that it had been spent honestly and purely? If he would only say that he was determined, cost what it might, to spend no more, there would very soon be no question of the Ballot, and bribery would cease. At the same time, although he admitted that there was bribery, corruption, and treating to a certain extent, he asked the House to compare the present state of things with that which existed a century ago. The right hon. Gentleman the Member for the City of Oxford (Mr. Cardwell) might, perhaps,

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be aware that it was only about 100 years ago since the Corporation of that city sent word to their Members of Parliament, just before an election, promising to return them again provided they paid the debt of the corporation, amounting to £7,600. He would also remind the House that it was only 100 years since that occurred to which Lord Chesterfield alluded when writing about a seat he wished to secure to his son. He offered £2,500, but the people in the borough in question laughed in his face, and told him the price of boroughs had risen in consequence of the rich men who had come over from the East Indies, and that in some cases not over £5,000 would buy what might have been purchased for £2,000 a few years before. To the case of the Christian Club at Shorham he need hardly refer. All these facts showed that, bad as elections might be now to a certain extent, they were by no means as bad as they were in former times. In this respect, indeed, they had gone on steadily improving. He was old enough to recollect the great riots in the time of Henry Hunt—the threat to burn the houses of people in his own town, tar-barrels placed against the doors, and the threatened houses marked with a red cross. All this was altered now, and anyone who narrowly examined the history of their elections during the last 100 years would find that a steady advance had been made in the direction of purity and freedom of voting. The reason why their progress had not been more rapid was obvious. It was stated generally by Sir George Lewis, who said it was because the public refused to ratify the statute law, and the broad sense of the English nation could not be brought to stigmatize electoral corruption as an infamous crime; because in the society in which Members of Parliament lived, and moved, and had their being, the standard of morality regarded it as a venial offence; and because, in a word, the great and only tribunal whose sentence they feared, while theoretically frowning on the sin practically absolved the sinner. That was the true reason why their advance towards freedom and purity of election had not been more speedy. If further proof were wanted of the great advance actually made in that direction, he would call attention to the fact that after the General Election of 1852 some 76 Peti-

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tions were presented against the return of Members, and 36 Members were unseated; but after the Election of 1868, when the cry raised certainly roused the feelings of the people more than many other cries which had been raised in previous years, 73 Petitions were presented, and only 17 Members were unseated, notwithstanding the fact that the Petitions were scrutinized more carefully by the Judges than they were before by Select Committees of the House. But if they wanted to judge of the present state of electoral corruption in this country, he could refer the House with the greatest confidence to the opinion of gentlemen who, by education, were far more competent to form a correct opinion than most of them—he meant the Judges who tried the Election Petitions, and he believed that the general impression of the amount of bribery that existed was greatly exaggerated. Baron Martin said—

“I have formed a very decided opinion that the general impression with regard to bribery is exaggerated, judging from the cases I tried. . . . With the exception of three places, bribery did not exist to any great extent. . . . In a very great number of cases the charge was perfectly ridiculous.”

He was aware that hon. Gentlemen opposite complained of the increase, not of bribery in its grosser forms, but of intimidation. [“Hear, hear!”] Well, the same arguments and facts applied both to intimidation and bribery. Intimidation was less extensive and less common than it used to be. Baron Martin was asked—“Well, but did any cases of intimidation or undue influence come under your notice?” and his reply was—“Very few indeed, and I think they all failed.” Now, let them go a little further. If ever there was a man of calm judgment, who merely looked straight before him in the execution of his duty, that man was Mr. Justice Blackburn. The question asked him was—“Has any evidence of undue influence been submitted to you?” And his answer was—

“Very little evidence of undue influence was submitted to me. There was only one case in which it was proved to my satisfaction. It was alleged in all the Petitions, but I think that in every case it broke down, the evidence being very contemptible. In fact, the cases of intimidation might be fairly said to be frivolous and vexatious—all of them.”

In the excitement of an election words

were often used which, being misinterpreted and repeated from one person to another, led to charges of undue influence being preferred; but when such cases were sifted in Courts of Law they almost invariably broke down. This happened in the case of the West Norfolk Petition, tried by Mr. Justice Blackburn, who said that nothing could be larger than the amount of undue influence which was charged, but the petitioners, in his opinion, wholly failed to prove it. Hon. Gentlemen opposite urged that there was a kind of intimidation and undue influence which no law could touch, and which could not be brought into Courts of Justice. He would, however, remind the House, in the words of Mr. Justice Willes, that too great caution could not be observed in accepting the statements of voters who complained of undue influence, because it was often found that a servant was discarded or a tenant evicted totally irrespective of the way he voted, although he afterwards charged his master or landlord with having exercised undue influence. Among the witnesses examined by the Committee gentlemen from Wales and Scotland made the loudest complaints against landlords; but the latter always denied the allegations, and the Committee found it impossible to investigate each particular case, and for that reason discarded the use of such evidence altogether. He thought that bribery, treating, intimidation, and undue influence had, at any rate, greatly decreased; and for three reasons—first, because of the enlightened public opinion of the country; secondly, because of the spread of education. In Scotland there was as much excitement at elections as in this country, but within the memory of man scarcely a single Scotch election had been declared void on account of bribery. This, he believed, was due partly to the superior education of the Scotch people, and partly to the fact that the representation had been more changed from place to place than in England. When the seats in Scotland were re-distributed, the old places where bribery had prevailed were got rid of; but this was not the case in England. So far as the example of Scotland was concerned, he looked to the Act which the right hon. Gentleman carried last year as a much greater safeguard against bribery, corruption, and intimidation

than this measure was likely to be. And the third matter which had been at work in reducing the bribery, &c., was the gradually growing independence of electors themselves. He believed that one good resulting from the last Reform Act which had not yet been perceived was that those who were not voters before, but who were voters now, were, to a great extent, men who promoted all the mischief at former elections; and as they were now intrusted with votes they would year by year become more independent and more willing to exercise the franchise as they ought to do, and to join the former voters in saying—"Come what may, we will exercise the franchise purely." The right hon. Gentleman the Vice President of the Council was wrong, then, in saying that secret Ballot was necessary for the putting down of corruption and intimidation; for the other influences that were at work would do much to diminish them before that Bill could have any practical effect. The right hon. Gentleman had next to show that the Ballot would effect his object—that he could not do. One provision which would do more than anything to put them down was not to be found in that Bill. The main reason why bribery went on as it did was that there was great chance that it would escape detection, because when an election was over it was the feeling of Englishmen to say—"We have had our fight; we have done all we could; we have lost the battle; we will shake hands, and we will not bring discredit on our town." What was wanted, therefore, was a public prosecutor. Could it be expected that that Ballot Bill would effect its object with the bribable populations of some of their old traditionally corrupt towns—with men as ready as the old traditional rich East India merchant to spend any amount of money to get into Parliament, so long as they did not spend it themselves? Other things would do it; public opinion, the independence of voters, the spread of education would do it; but that Bill would not do it, and to his mind, instead of being an advantage, it would be a great disadvantage in one respect. It might change the form of bribery, but it would not stop it. It might to a certain extent stop individual intimidation, individual bribery, and undue individual influence, but it would only cause bribery to take

a different form. The judgments of the Judges on Election Petitions showed what form bribery had taken at different places in the country. The right hon. Gentleman must not think that his Ballot Bill would effect its object in the same way as the Act of last year affected the education of the country, for last year the right hon. Gentleman was dealing with innocent children, and now he was dealing with wicked men, and the right hon. Gentleman's heart was so full of natural goodness that he did not know how bad they were. If he thought the Ballot Bill would stop bribery he was quite wrong. He would not say who now-a-days represented that rich East India merchant of the past, but such a man would not bribe individuals, but would bribe generally. Having fixed upon the borough which he wished to represent, his first object would be to get an introduction and go down, and his second to make himself popular, and he could do that in various forms and ways. He could do it by nursing it in the way which was alleged against the hon. Member for Beverley; he might become the chairman of a great ship-building company; or he might start a manufacture, and become an employer of local labour; but he would not do one or the other for the sake of the pecuniary benefit he was to receive. He had one purpose in his mind which he was determined to carry out, and that was to become Member of Parliament for the borough. So he would go down there, spend his money there, and make himself popular; and what was that but bribery, and bribery almost in the grossest form? Then, take general breakfasts, such as were given at Hereford; the opening of publichouses and the employment of watchers, as at Bewdley; and the lavish expenditure that took place at Bradford—what was all that but bribery? It might not come under the particular form, but it was the same fault, the same crime we wanted to put down; and what would the Ballot Bill do in these cases? Then, at Bridgewater, a large number of voters hung back and asked what was going; and the promise was given that the earliest voter as well as the last should be paid. The right hon. Gentleman seemed to have forgotten the main principle of his Education Bill—namely, “payment by results.” That would be precisely what

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would be paid for under the proposed Bill. Men would cease to follow what was called “the stupid form of bribery,” and, instead of giving £10 to secure a man's vote, they would offer money to secure vote and interest, and would not pay if they did not get in. That was the form of bribery which that Bill would suggest, and would not stop. The one thing of all others that would stop bribery, corruption, and intimidation was the certainty of being found out; and that Bill would take away that only engine of detection by allowing men to vote in secret. He did not say they could not trace bribery in the same way they did now; but the trials of Election Petitions showed that the first question counsel asked of witnesses was—“For whom did you vote?” The answer to that question at once set them on the track of the bribery. Voting was practically only the last of a long series of acts. The political inclinations of a man were known, and if, at the end of the election, it was found out that he had not voted as his fellow-workmen expected he would, that showed that he had probably been bribed, and it at once set you on the track of the bribery. If this safeguard were to be removed; if the only way in which it could be found out whether a man had been bribed or not was to trace the money from hand to hand were taken away, they would never be able to detect bribery. It was not shown that the Bill was necessary, and it was not shown that it would effect the object in view, and unless these things could be shown there was no justification for altering the law. He said nothing of forms of bribery which could never be detected at all, such as abstention from voting and the spoiling of a polling paper. Then, how was spiritual intimidation to be touched? It was all very well to say there was none, but he would show that there was spiritual intimidation, and that the strongest that could be used. Mr. Justice Willes said if you asked a child whether he would be whipped or see a ghost, the ghost would frighten him more than the whipping; and if a priest said to a man going to the poll, as was said at Drogheda—“You may vote for anybody you like, but if you vote for So-and-So, I would advise you when you go home to think of what will become of your soul.” That

was a form of spiritual intimidation that would have more effect upon a man than almost any other undue influence you could bring to bear. Well, but that was a species of intimidation which the Ballot could never affect. They had not, then, shown that the Ballot was necessary, or that if they carried their Bill it would affect their object. He wished now to show that it would introduce infinitely worse evils than any which existed under the present system. The right hon. Gentleman in introducing the Bill felt that that was a difficulty which he undoubtedly had to get over, and he said that there were three evils likely to occur, but when the House read the provisions of the Bill it would find that it contained ample securities against those evils. The first evil was that of tampering with the votes. He would not go at length into that subject, but he would like the House to consider whether there were not ample facilities in the Bill for fraud on the part of the presiding officer; and if there was one thing more than another which ought to be guarded against, it was that there should be in a constituency a general impression of foul play on the part of the returning officer. Take the case of such an election as had occurred in his own town of Warrington, where an accusation was brought against the Mayor of foul play. When the case came to be investigated by the Judges the whole charge fell through, and the Mayor was fully acquitted. But the very fact of allegation of foul play disturbed the town for years, and he doubted whether even now the ill-feeling generated, untrue as the charge turned out to be, had entirely passed away. But it was not only the returning officer himself that would be thus open to suspicion. He had to appoint deputies at the different stations, and all of these would be equally liable to be suspected. The returning officer had to decide on the validity of the Ballot paper, and had to deal out temporary voting papers to men not on the register—a most dangerous power. All he would say was, that there was ample opportunity, despite of all provisions to the contrary, for non-voters to get those Ballot papers to put into the box, and therefore an opening to the second of the evils so much dreaded—that of forged voting papers being used, a practice, which under the provisions of secret

voting, they would find it impossible to identify or prevent. As to the third evil—that of personation, they all knew that in America it was carried on by wholesale, and he believed if the Bill were passed personation would be carried on here to a great extent. The right hon. Gentleman proposed to meet this difficulty by providing that if the agent of any candidate induced a man to personate a voter, the election should be void. That might be very good in its way, but the right hon. Gentleman, having acknowledged the danger, absolutely took away by the system of voting he proposed, the means of finding the personator out. Putting aside, however, all these mere fringes of the question, bad as they were, and serious as they would be found, there was a more serious evil still. The votes would be given in a more irrational way, not thoughtfully, not in many cases truthfully, certainly not under the influence of public opinion, nor the sense of deep responsibility. He would ask the right hon. Gentleman what effect the Ballot would be likely to have in that unhappy country, Ireland? Was it likely to improve the representation of Ireland? When the men of Westmeath knew that they could give their votes not under the influence of any public opinion, but simply at their own will, was it likely that the representation of that part of the country would be improved? There was another great evil which had not been yet alluded to, and which had been seriously felt in Australia; it was this—that in the different boroughs they would, to a great extent, get rid of party spirit at elections. Some hon. Members opposite thought that would be a benefit, but he believed men would then vote according to some particular crotchet or fancy, and that they would not be controlled by the leaders of parties, but would let some private matter in which they felt an interest override great public questions. Take the case of the Sunday Closing Bill, or of the Conventual and Monastic Inquiry, or of the Permissive Bill, when an election occurred very probably persons who took an interest in these questions would not allow them to be made subordinate to general public questions. The result would be, as had been seriously felt at the last election, especially on the Liberal side, that there would be a large number of candidates

offering themselves in different towns with no great difference of opinion on general questions, but influenced by some local advantage which they thought they might obtain. What would be the effect on that House? That House would reflect the feeling out-of-doors, and the same broad party distinctions would not be kept up anything like so clearly as at the present time. What was the case in Australia? A witness before the Committee was asked—

"Do I understand that now the elections are not divided into two parties as they used to be?"

His answer was—

"Not exactly. I would rather divide parties in Australia under the universal suffrage into Ins and Outs, for generally the people in office try to hold it, and all who are not in office try to put them out, and the result is a change of Ministers, probably every seven months."

Again, this question was put—

"Could parties range themselves under distinct colours as they do here, denoting any particular shade of opinion?"

The answer was—

"Yes, but they are constantly changing banners. The man who has been turned out of office on a particular measure will immediately take up that measure when he comes in and carry it."

That was the result of not having Parliament divided into two strong political parties. He regretted that House was not divided into two great parties now as strongly as it used to be; and as it was not only a Legislative Assembly, but also possessed supreme control over the Executive Government, it was essential that the machine for the purpose should be kept in proper working order, and, in his opinion, that without party government Parliamentary government was in this country impossible. They were asked to pass that Bill on the recommendation of the right hon. Gentleman at the head of the Government, who was himself a recent convert to its principles. But it was not usual, in such cases, to follow the advice of converts. They did not go to a man who had recently changed his opinion in religion to ascertain whether it would be wise to follow his example, nor would they ask a recent convert to testify for an impartial statement of the merits of that controversy. He was very much obliged to the House for the patience with which they had listened to him. He would ask them once more to remember the words that the right hon. Gentleman had used

in reference to the Bill—that it was a choice of evils. That was all—it was not a positive good, but only a choice of evils. In choosing what course they would take, he besought them to consider the question irrespective of party considerations. They were asked to take their choice of evils. There were evils on the one side and evils on the other. But the evils on the one side they had already fathomed to the bottom—the evils of bribery, corruption, and intimidation—and deep, and dark, and stormy, and troublous as they had found these waters, they had happily been enabled by the breeze of an enlightened public opinion to reach, at all events, somewhat shallower and smoother water. There might still be some rocks and shoals to encounter; but looking at the vantage ground that they had gained, they might say that they were at all events in sight of land, and that the Education Act of last Session would help them on their way to the haven of pure elections which they were seeking to find. But the evils on the other hand were unknown. No examples had been brought before them to show that they could safely apply to our institutions and habits the remedy that was now suggested. They were asked to embark on an untravelled ocean, and to throw away what he believed to be the only compass which could possibly guide them safely through the storm—he meant the public responsibility of every voter voting for the public good, under the public eye, and guided by the wholesome and legitimate influences of public opinion. He begged to move, That this House will, upon this day three months, resolve itself into the said Committee.

MR. RIDLEY: There are many Members, I daresay, in this House, Sir, who were as much astonished as I was when they heard the right hon. Gentleman the Vice President of the Council say, on introducing this Bill to the House, that it was not necessary to discuss the principle of its Ballot clauses, because upon that this House had already declared. I should be very glad if the right hon. Gentleman would tell us when that happened. He told us, however, what the essential principle of his enactment was when he stated that he intended to establish complete and absolute secrecy in which there should be no means whatever of tracing any

vote. Now, is there any hon. Gentleman in this House who will assert that this is what this House assented to when it accepted last year, without a division, the second reading of the Bill of the hon. Member for Huddersfield? And will the right hon. Gentleman himself say that there is not a most vital difference between the possibly open Ballot of the hon. Member for Huddersfield and the secret Ballot which, existing in no other great nation, he now proposes for the first time for the acceptance of this House and of the country? Sir, I rejoice, with my hon. Friend who proposed this Amendment, that the Government propositions intrusted to the right hon. Gentleman are such as to bring before us the plain question of openness or secrecy. The issue need not be encumbered with arguments drawn from the convenience of taking votes by ticket, or from the orderly character of elections so conducted, but we are called upon to say Aye or No to this: Is it desirable that every voter should be compelled to give a vote which, except from any statement of his own, shall be, under all circumstances, absolutely secret? Sir, it is because I believe that the answer to this question should, for the sake of the honour and the interests of the country, be most emphatically No, that I ask the indulgence of the House while I give a few of the reasons which induce me to second the Amendment of my hon. Friend. The only reasons, Sir, which the right hon. Gentleman adduced, on proposing this Bill, for the principle of the secret Ballot, were, in the main, twofold. He said, in the first place, that the best way to prevent a crime is to stop the motives for that crime, and he conceived that the Ballot was by far the most likely mode of removing from men the temptation either to bribe or to intimidate. In the premises, Sir, of the right hon. Gentleman I most readily concur, it being, undoubtedly, the first principle of all good government to remove, so far as legislation can do it, the motives for crime. But I confess I am at a loss to perceive how, by removing the temptation of which the right hon. Gentleman speaks, you thereby remove the motives for crime. The right hon. Gentleman has, as it humbly seems to me, supposed the real motives for these crimes to lie in the imagined special facility for committing them offered by

the present system of open voting. The hon. Member for Huddersfield made last year the same confusion between motives and opportunities for crime; but I will take leave to maintain that the motive which it is hoped by this secrecy to remove lies far deeper than those who use this argument seem to fancy. The hon. Member for Huddersfield argued last year that "wherever one man has power over another, that power he will use in times of public excitement." Now, without going so far as the hon. Member, I think that it is beyond dispute that there will always be men who, having such a power, will be anxious to abuse it; but you cannot deprive those men of their power, and you cannot seriously thwart their exercise of it by any machinery of wooden or glass boxes. You may diminish—and I will grant that—the facilities for the less guilty, the unpremeditated form of crime—that form, in fact, which will most readily succumb to improved moral feeling and public sentiment; but the more serious form of it will continue to brave the law with the additional security afforded by the reduced means of detection and the diminished watchfulness of public opinion. The other argument, Sir, used by the right hon. Gentleman was that the State has no right to impose on a man the duty of voting, and then not to protect him in the exercise of that vote. Well, Sir, everyone will admit that the law should protect the voter. But how does the Ballot do so? Supposing it to secure absolute secrecy, what protection is that in the case, as we are bound to imagine, of a man wishing to vote in opposition to the will of someone who has power over him? Why, it enables him to lie without detection. That is to say, the State admits its inability to protect against oppression: it confesses its impotence and abdicates its proper functions, and while it pays this tribute to intolerance, which involves the forfeiture of our right to be called a free and law-abiding people, it allows, nay it must from the nature of the case force the voter to acquiesce in the abandonment of his own right of publicity. Sir, if freedom of opinion be a right, freedom of expression is no less so; and to impose secrecy, which you do by this Bill, is as much treason against the liberties of the citizen, as it is treason against the State to intimidate him in the exercise

of his franchise. This leads me, Sir, to observe an argument which has been much relied on by opponents of the Ballot, and which has been urged with great force to-night by my hon. Friend beside me, that the elector, as representing non-electors, should perform his trust openly before the public, and so be amenable to the class for whom he exercises that trust. The right hon. Gentleman the Prime Minister used to believe in that argument; but he now thinks that we have so extended the electoral system as to have established practically a personal manhood franchise, so that that responsibility no longer exists. Now, it is quite evident that until you have absolute universal suffrage, with no restriction of sex, the argument, if it ever was a good one, is a good one still. But, in the extended constituencies, it is at least, I think, more clearly seen that the franchise can only, strictly speaking, be a trust, in so far as it involves the duty that a man should vote according to his convictions. He is bound to do that, and so long as bribery and coercion are illegal, you protect him by the law in so voting; but the ultimate test of his honesty can only be his own conscience, and not the public. So far, therefore, as regards this trust argument, I, for one, am not willing to rely upon it as a bar to the proposition now before us. But, now, what is this system of voting expected to accomplish? It is, in the first place, expected to make bribery so difficult and uncertain as to be not worth trying. With regard to what is called "afternoon" bribery I shall say nothing, because it is admitted that that can be stopped by other means; but, in respect of systematic bribery, the hon. Member for Huddersfield argued last year that the evidence showed that people would not go on paying for what they would not be certain to get. Sir, I have gone carefully through the evidence taken with that view before the Committee; but I find no facts to bear this out. I find, indeed, opinions going both ways, and amongst others I find that of the hon. Baronet the Member for Chelsea, who is as conversant as most men with the working of various electoral systems, and who thinks that the contingent form of bribery, which would under the Ballot be the only form possible, would increase, and would be the most successful as it is in theory the best

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form of corruption. It is quite true that the hon. Baronet's evidence was coloured on this point by his dislike to small constituencies, where such bribery would have most effect; but it is to be remembered, on the other hand, that in the large constituencies their very size tends to make bribery almost impossible, and it is the small boroughs, if we are to maintain them at all, which are supposed to render necessary this extraordinary means of enforcing purity upon a corrupt population. The hon. Member for Huddersfield, Sir, is very fond of quoting to us the example of other countries which have used the Ballot—and he has, I have no doubt, studied history to support his view. I am the more surprised, therefore, that on this point he should have failed to remember that in republican Rome, where alone of all free governments that ever existed, is there to be found any parallel to the venality and corruption which the hon. Gentleman and his Friends represent to exist here, there was a well organized system of contingent payment. In the election of magistrates there was a rigid Ballot as strict as that proposed now by the Government, and, let me add, almost identical with it; but the hon. Gentleman will find, in looking back to the pages of his Cicero, that not only did agents look after particular voters, but a wholesale system existed of paying money contingent on success to large bodies of electors. Is human nature different now from what it was then? Is there, so far as bribees are concerned, less honour among thieves?—and are there not agents now equal to the task achieved then? Sir, I cannot see how bribery of this sort—the sort, remember, which we want particularly to undermine—is to be put down by secret voting; while it must not be forgotten, on the other hand, that under such a system, you give the bribe a direct interest in the success of his corrupter; you make him a canvasser for the benefit of his own pocket, and it is his interest to see that no interloper obtains money under false pretences. Then again, even should you succeed in stopping bribery of voters, you let loose money to bribe officials: and it certainly does not lie in the mouth of those Gentlemen who advocate the Ballot to deny the possibility of this happening, for the very groundwork of their argument is the existence of widespread venality and

corruption. It is confessed, indeed, on all hands, that under the ballot you must have confidence in officials; but will more honesty be practised where detection of fraud is impossible, and what sort of confidence will be felt by the more violent portion of a constituency after their favourite candidate has been defeated? Those candidates themselves are, as we all know, not too ready to admit that they have been beaten on their own demerits, and is it to be supposed that in the absence of public guarantees large masses of disappointed men, in a country where political feeling runs so high as it does here, will readily acquiesce in the fairness of their defeat? Sir, it is not in the nature of things that they should do so even in this country; but what is to be expected of Ireland where the inhabitants, whatever be their virtues, certainly do not repose much confidence in Government officials? And can that be said to be a desirable reform in the existing state of our relations with that country which would in any degree weaken the guarantees which a disaffected portion of the community are still compelled to place in the constituted authorities? Well, but the Ballot is to stop coercion and intimidation, and I suppose this is generally allowed to be the strongest part of the case in its favour. Now, how is it likely to prevent mob intimidation, and how will such scenes as take place in their perfection in Ireland, and signalized for example the return of the junior Member for Waterford, be checked by enabling a man to conceal his vote? Why, all parties are known and recognized, men's opinions are no secret in the district, and they are mobbed and prevented from voting: and, on the other hand, if a man have voted and refuse to say how he has given his vote, that very refusal is sufficient to condemn him in the eyes of an intolerant and hasty mob. Then, as to landlords and employers of labour, the hon. Member for Huddersfield endeavoured to make a great deal out of the now historical Timpendean case; but I should like to know, taking that as a typical case, how he can show that Mr. Scott's vote would in any way have been protected by the Ballot. It is very much the fashion, Sir, for certain persons to be continually misrepresenting tenant-farmers as much as they misrepresent

landlords. There is no independence they say on one side, and no liberality of dealing on the other. In the case, for example, of that strange attempt at legislation introduced by the hon. Member for the Wick Burghs, they would have us believe that the majority of tenant-farmers are unable to enter into a contract at all, and now in the matter of Parliamentary elections, I suppose we are to believe that men of the position of Mr. Scott are likely to spend their lives in one continual state of reticence as regards political matters; that they will go to no farmers' clubs, no chambers of agriculture, no market ordinaries—no place, in fact, where farmers are now in the habit of openly discussing matters of vital interest to themselves and their landlords; or, that if they do so, they will talk only in the interests of their landlords, whilst entertaining different ideas altogether. Sir, it is idle to suppose anything of the kind: but what earthly protection in these cases is compulsory secrecy of voting if it do not carry out the still further tyranny of compelling a man in this hitherto free country to conceal his political opinions from his neighbours? and if he do not so conceal them, how can anything but public opinion prevent a landlord from dealing hardly with a tenant because they do not agree in politics? Sir, I should be sorry, indeed, to think, representing, as I do, a large agricultural constituency, that there were any landlords in it who, to put it on the very lowest ground, would be so ill-judged as to act in this way; and I should be as sorry to think that there was any tenant in it, who having a cause, real or fancied, to complain of unfair influence on the part of his landlord, would wish so to lower himself as to seek protection—by what? By a contrivance which is to enable him, indeed, to perform the duty of a citizen at election time; but which can only be of permanent use to him if it be supplemented by a life of reticence at all events, if not of hypocrisy. Well, but I am told, Sir, that there are thousands of voters who abstain from forming an opinion, because they are never likely to be able to vote freely, and that secret voting will encourage them to form such an opinion. This, I believe, was the reason given by the right hon. Gentleman the Home Secretary for his change of view on this ques-

tion. But if this argument be worth anything, it goes against giving the franchise to a class of men who, by your hypothesis, have nothing worth calling a conviction. Sir, I maintain that in using this argument in favour of secret voting, you are using the new electors whom you have created, as an excuse for lowering the tone of the older constituencies. You give the franchise to people who are, you say, politically uneducated, and then to enable them to form an opinion you drag down the rest of the voters to a confessedly lower level. But, Sir, the formation of opinion does not depend on the mode of taking votes; it depends on the spread of education, on the influence of the Press, and of the better educated and more thoughtful men in each class—on the open, healthy, and fearless manner in which political matters are discussed in this and in every free country. What is the worth of political opinion hatched in secret, and formed without any reference to the responsibility which even in private affairs every man owes to the society in which he lives? To compare smaller and greater things, it is like the crotchets which the philosophers who bristle round the hon. Member for Waterford, to his infinite annoyance but to the amusement of the House, are so often accused of forming in the recesses of their studies. But it is infinitely more mischievous, because it has a tendency to reduce the power of voting to a mere sense of privilege to be exercised on personal considerations, and must, therefore, infallibly lower the whole tone of political morality. Sir, I am sorry to say that tone is low enough already; but will anybody assert that it is not improving? Will anybody maintain that if Election Petitions had been inquired into by Judges at a similar period after the Reform Act of 1832, such evidence would have been possible from the Judges who tried them as was given before the Committee two years ago? I do not desire to attach too much weight to opinions formed judicially upon evidence produced in Court; but it is, at all events, upon record that Mr. Baron Martin, who tried 13 petitions, stated that though there was a good deal of treating, bribery was exaggerated, and that no cases of intimidation or undue influence came under his notice. Mr. Justice Willes, who tried 16 petitions, stated that there was undue influence at Blackburn and

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Westbury; but that such practices were not common. Mr. Justice Blackburn stated that the only case of intimidation that came before him was by a mob at Stafford. If, in answer to such evidence as this, it be urged that petitions are not easily originated, and when originated do not easily get at the truth, what can be said sufficiently strong in condemnation of a system of voting which shall make them more difficult to originate and less able to get at the truth? You have passed an Act which, in the opinion, at all events, of Mr. Baron Martin, has brought a wholesome fear of detection to bear on would-be breakers of the law, and now you are proposing by this Bill to make the obstacles to the efficiency of that Act greater than they are already. That certainly is not a method of improving morality, which, whatever be the exigencies of party, can be called statesmanlike or even prudent. Sir, the right hon. Gentleman the Prime Minister has admitted that this Ballot is a choice of evils. He is, if I understand rightly what he said last year on the subject, as willing as anyone to allow that it is not only desirable but natural that every man should wish, were it possible, to vote openly. But he is in despair of this possibility, and he points to the growth of public opinion since the Reform Act of 1867 in favour of this measure. It might, Sir, possibly be argued that the increasing desire for some purity of legislation, even so violent as this, was in itself an evidence of its not being necessary; but I should wish to ask, in what does this growth of public opinion consist? Is it apparent in the more highly educated part of the Press? Certainly not; the reverse is more nearly the truth; and even among what are called the more popular papers there was one, at all events—that one, I think, with which travellers by rail are familiar as having “the largest circulation in the world”—which asserted the unimportance of the Ballot, except as being one of the Shibboleths of the Radical party. Then, is there any real growing adhesion to it among non-official Members of this House, even among those who, I regret to say, support this Bill because they think it may be of use to them, at all events temporarily, in their own districts? It is notorious that there is not; but that a vote of this House, which should really be a vote expressing its opinion, would reject this

part of the Bill by a large majority. Then, as regards the Parliamentary history of the Ballot. Introduced by Mr. Grote after the Reform Act of 1832, it did not grow in the favour of Parliament even in his hands. From the memorable year 1848 up to 1861, Mr. Berkeley was beaten by majorities increasing from 5 to 125; and now, again, after the last Reform Act, when you get as before a large class of newly enfranchised electors, and more democratic demands clamouring to be satisfied, there comes from the same source a renewed cry for this remedy, and an intolerant desire, almost as bad as that expressed in the Bill of the hon. Baronet the Member for Carlisle, that the minority should protect itself at the expense of the majority. The time, Sir, has gone by when so much stress is laid, as there was formerly, upon the adoption of this system abroad. Without attaching too much importance to the fact that this absolutely inviolable secrecy exists nowhere except in New South Wales, it certainly cannot fairly be denied that the evidence given before the Committee was not of so encouraging a character to the supporters of the Ballot as they had expected it to be. But even if this mode of voting, so far as it is secret, be the cause of the more orderly manner in which elections are generally conducted abroad—which I am not prepared to admit, but is, on the contrary, as I believe, disproved by the evidence—I maintain that that is not of itself a sufficient reason for introducing it here. Let it be conceded that it has been, or is, regarded in Germany, Italy, or France as the bulwark of growing liberty against bureaucratic, priestly, or Imperial power, I will yet take leave to assert that we, who already assured of that liberty, have altogether a higher ideal of public life, which so far as purity of election is concerned is being more and more secured by the development of public sentiment still more strongly in that direction; whereas by this imposition you are, for the sake of the ignorant and underhanded, belying the national custom and the national conscience. It is for these reasons, Sir, and not because I will allow myself to be afraid of any individual or party disaster which some prophets assert may follow from the adoption of the Ballot, that I most cordially second the Amendment of my hon. Friend.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Cross*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL EDWARDES said, if open voting could really be practised, he should prefer it to secret voting. But the evidence taken before the Select Committee showed that many voters could not really vote openly according to the dictates of conscience. The prevalent evils connected with the present system were bribery, intimidation, coercion, eviction of tenants, riot, and drunkenness. Now, he was not sanguine enough to suppose that the Bill before the House would at once sweep away every trace of bribery, but it would tend to check the practice, for a candidate would not like to part with his money until he was sure that he got value for it; and a voter who was ready to accept a bribe would not readily give his vote until he received the bribe. He regarded the clauses abolishing the nomination and declaration days as excellent clauses, for it was on those days that the greatest rioting and drunkenness prevailed, as evidenced at a recent election, where the candidates were pelted with stones, snowballs, and other missiles, and where the successful one had even to be escorted to his committee-room as a place of safety by the police. He also looked upon the clause prohibiting the use of publichouses for committee-rooms as a capital provision, because drunkenness was the cause of many of the riots. He gave to the Bill his most hearty support, and he trusted the Liberal party would unite in voting for it, and though there were many Amendments on the Paper, he hoped that in a short time they would fade away and disappear. Let hon. Members use their best endeavours to get the Bill passed this year, and thus take the first step to make their elections an example instead of a disgrace to civilized society.

MR. BAILLIE COCHRANE said, he had not the honour of a seat in that House when the noble Lord the Chief Secretary for Ireland brought forward

the Ballot Bill, and he now wished to trouble the House with a few observations in explanation of the course which he was about to take. He believed that both sides of the House would agree to this observation—that the Ballot now occupied a very different position from what it did when he first entered Parliament, and even five or six years ago. He remembered the time when it was brought forward in the Chartist days—when Mr. Feargus O'Connor presented a monster Petition in favour of the "Five Points," the Ballot being one of them; and much more recently, when Mr. Berkley introduced his annual Ballot Bill, anyone who was supposed to vote for it, or who advocated it was supposed to hold the most democratic opinions. It was bound up in popular opinion with the most democratic ideas. That time had gone by, and the Ballot now might be fairly discussed on its own merits, and as was observed by the hon. Gentleman the Member for South-west Lancashire (Mr. A. Cross), who had moved the Amendment, he hoped that it would not now be regarded as a mere party question. He responded to that wish, and did not desire it to be in any sense considered a party question. What were the present circumstances of the case? Three years ago that House passed a Reform Bill, and he believed that measure had materially changed the position of the question of the Ballot. With respect to the Reform Bill, he approached the consideration of that question and supported it with the greatest mistrust and the greatest fear, and therefore his conduct might appear inconsistent. ["Hear!"] He said so most freely. He bore testimony to the fact that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and the noble Lord the Member for North Leicestershire (Lord John Manners), had always been consistent in the course which they had followed. From the earliest time at which he had the honour of their acquaintance they had always carried out Conservative principles. He did not allude to that as applicable to persons sitting on one side of that House or on the other, but in the highest view of the word "Conservative," as respecting order and respecting the rights of property. Having passed the Reform Bill, it seemed to him impossible to stop short, and the

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sensible course was to show confidence in the people by now conceding the Ballot. That was a natural corollary and sequence of the course which Parliament had adopted. Nothing was more painful for him, in one respect, than to take the step which he was now doing, knowing that he was acting in opposition to the sentiments of hon. Gentlemen with whom he had uniformly acted; but nothing could prevent him from taking what he considered right and just views, and carrying them out when he believed them to be right. It would be impertinent in him, having only recently adopted those views, to urge on the House his own arguments in favour of the Ballot, because if those arguments were good now, they were equally good before, when he did not admit their force. His present views, however, had resulted from recent circumstances. He was much struck last year when he canvassed the constituency which he represented by the statement of a very important and distinguished gentleman—a man of great influence, employing 7,000 workmen. That gentleman told him that the majority of the men in his employ were Conservatives, and he added—"Believe me, Mr. Cochrane, the working classes are Conservatives, and that proves that Mr. Disraeli was right when he passed the Reform Bill." He (Mr. Cochrane) then asked how, if the working men were such consistent Conservatives, the action of trades unions and the influence which demagogues exercised over the minds of the people were to be accounted for? The reply he got was—"It is simply because the demagogues live with the working classes, mix with them, and work upon their minds. The gentlemen do not mix sufficiently with the working classes." He thought that observation was very much sustained by the graceful remark of the French author of the *Memoirs of the Grand Army*—

"When you read of soldiers, you only know their faults; but when you live with them you know their virtues."

The other day, in the neighbourhood of a great city, he was shown over some large works, where 7,000 or 8,000 workmen were employed. He asked the manager what were the politics of the men, and was told that they all "voted Radical." He remarked—"Then, they are all Radicals." But the manager replied

—“No, I never said so; they vote Radical, but three - fourths of them are of Conservative tendencies.” He (Mr. Cochrane) then asked—“How do you account for this apparent inconsistency?” whereupon the manager answered—“The minority, consisting of thinking, busy, active, energetic men, form themselves into committees and clubs, and they exercise an almost inconceivable tyranny over the minds of the majority. I have seen these men driven up to the poll by these minorities, by the power which minorities do manage to exercise over majorities.” History confirmed the truth of that. They should look at the history of France and her various revolutions. Who, at such times, were the people who exercised authority in France? On each occasion it was a minority binding and pressing upon the majority and conquering its will. There was a passage in one of Mr. Mill’s pamphlets which drew attention to that point, and confirmed it, and which was as follows:—

“Protection against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling—against the tendency of society to impose by other means than civil penalties its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation of any individuality not in harmony with its ways.”

One reason why he (Mr. Cochrane) had changed his opinion on the Ballot was, because, having recently met many of these working men, and having listened to the opinions of those who were thrown into a larger sphere of action, he had begun to believe in the strong Conservative tendencies of the working classes; not using the word Conservative in its party sense, but in its legitimate sense, as meaning the love of order and the maintenance of the rights of property. In talking to these men he had learnt how much excellence and goodness there was among the working classes, and he believed that, while the history of the benevolence and kindness of the rich to the poor found admirers, the benevolence and kindness of the poor to the poor were even more worthy of admiration. But what was the state of things now to be found in France? In that country both Universal Suffrage and the Ballot were institutions, and what had been their result? Remembering the terrible events which had lately occurred in Paris, one might expect that the re-

sult would be the upholding of Socialism and Communism; but it had been nothing of the kind. On the contrary, Socialism and Communism were the work of the minority. Out of a population of 2,300,000 in Paris, the number of Communists never amounted to more than 80,000; there being 400,000 or 500,000 other men, who, if they would have fought, might easily have put them down. Nor were the people of France to be wholly blamed for what had occurred in Paris; for it should be borne in mind that among the Communists were people of all classes and countries congregated together in that city, and advocating what they called international views. But what had been the result? France had returned the most Conservative Assembly ever returned by free election. Out of 89 Departments, 75 had returned Conservative and Monarchical candidates, and at the present moment four-fifths of the Chamber now sitting at Versailles were in favour of Monarchy—surely an extraordinary result to be brought about by Universal Suffrage and the Ballot. And what had been the result of the school board elections in this country? In the Metropolis those elections had been conducted by Ballot, and the constituencies had returned not such men as might have been expected under the circumstances, but such men as his noble Friend (Viscount Sandon), who was possessed of great industry, extensive knowledge, and high merit. What was true of London was also true of the whole country. On the other hand, what was the result of open voting? He had been more saddened than amused the other day by reading the account of the Bilston election of a clergyman. In that case, which should have been one of the most solemn among all cases of election, inasmuch as it was the election of a clergyman, every evil connected with contested elections was carried on under the system of open voting. It was an argument much used by those who opposed the Ballot that secret voting tended to forward the work of secret societies, and the binding up of men in an entanglement of oaths and obligations. But he maintained that one advantage of the Ballot would be, that it would strike at the root of these evils, because the influence which was exercised by the fact of men acting in common, and of their marching to the

poll in procession to advocate extreme opinions would be done away with. In that respect the Ballot would do infinite good, and would rather check than extend the influence of secret societies. As to the argument that the Ballot was un-English, if he might use the phrase, that was mere clap-trap. He did not often approve of Prince Bismarck's utterances; but the Prince, when conferring with M. Favre relative to the surrender of Strasburg, did make one excellent observation. M. Favre said that the honour of France would not allow the surrender of that fortress, whereupon the then Count Bismarck said—"I did not know that French honour was different to the honour of any other country, and other nations have had to part with their territory." How could a thing be un-English when it was in daily use in all their colonies and in America? And if un-English, why was it that a sense of degradation did not apply to the use of it in their clubs? The argument was perfectly futile, and he trusted that they would hear no more of it. Then it was said that the Ballot must be dangerous, because all the Liberal party supported it; but he had not that great dread of hon. Gentlemen opposite which some people seemed to have. Certainly many men acted simply on habit, and no doubt there were some hon. Gentlemen who would say—"We do not like the Ballot, but we will vote for it as usual." While there were others who might say—"We are not a bit afraid of it, but we shall vote against it." To speak frankly, if he himself had not thought much upon this question lately, and been abroad and seen the working of the Ballot, he should have been strongly inclined to act upon that feeling which led men to go on consistently voting as they had voted in former years. But there was an old Italian proverb—

"The world so quickly changes that we often find,
The man who would be constant must often
change his mind."

When these changes were proposed, the consistent man was the one who looked the question fairly in the face, and said—"Having carried a large measure of reform, I must now be consistent, and prove how great is my confidence in the newly-enfranchised, by giving them the Ballot and perfect freedom of action." The hon. Baronet the Member for

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Chelsea (Sir Charles Dilke), in his excellent book of travels, said that in Australia the term Conservative applied less to any party than to the whole population; and Sir A. Elton, in one of his able pamphlets, characterized the Ballot as a Conservative measure—using the term Conservative in a higher than a mere party sense. For himself he regretted, however, that the Government had not brought in a pure and simple Ballot Bill, unencumbered by complicated provisions or by proposals for throwing the expenses of Parliamentary elections upon boroughs and counties. The only means they now had of preventing candidates from trifling with constituencies was by making them pay their share of the hustings and other necessary expenses; and it would be most inexpedient to remove that one remaining indirect qualification. He would therefore advise the Government so far to alter their Bill as to give those who thought the Ballot in itself a wise and Conservative measure an opportunity of voting for it, without calling on them also to vote for something else to which they much objected. Certainly, if they went to a division, he should feel a great difficulty in voting for that Bill unless the extraneous provisions to which he had referred, and which were not contained in the Bill of last year, were withdrawn. If those were withdrawn from the Bill, he should cordially support the measure, placing his full confidence in the good sense and excellent conduct and the Conservative principles of the country.

Mr. OSBORNE MORGAN said, he must congratulate the hon. Member for South-west Lancashire (Mr. A. Cross) on the very able speech that he had just addressed to the House. But first and foremost he congratulated him on one remarkable feature in that speech. The hon. Member was the first man who, in the course of an hour's speech against the Ballot, had not denounced it as an un-English institution. Now, he (Mr. Osborne Morgan) thought that omission marked a very satisfactory advance in the history of the question, and, let him add, a very favourable starting point for that debate—for it showed, he hoped, that they had had enough of that going about in the spirit of the Pharisee in the parable, and thanking God that they were not as other nations were.

For his part, if he was told that the spectacle of "free and independent electors" standing about in the marketplace, as the Attorney General last year described them as doing at Beverley, like cattle waiting to be bought, or driven, as he himself had seen them, like sheep to the polling-booth, and the spectacle of candidates pitched into waterbutts, and future Chancellors of the Exchequer going about with bloody noses and broken heads; if, he said, he was told that those spectacles were very English, all he could say was that the sooner they were denationalized the better. And he ventured to put it that the issue before the House was, not as the hon. Gentleman put it, whether they should conduct their elections like foreigners, or like Englishmen, but whether they should conduct them like reasonable beings, or like raving maniacs. Now, he would not cross the Atlantic to America, and he would not accompany the hon. Gentleman to the Antipodes—he would take two elections, both held in the same country, and for the same purpose—the one with, and the other without a Ballot. They all remembered the London School Board election; he voted twice in that contest [*Laughter*]*—*he meant, he recorded his vote in two districts, for each of which he was entitled to vote. Everything was conducted with the most perfect order. He saw no rioting, no confusion; on the contrary, the whole proceedings were as decorous, and, he might add, as dull as the proceedings in that House just before a count-out. Now let him contrast those proceedings with the proceedings in another election held for the same purpose in one of the most peaceable towns in North Wales. At that election, where the Ballot was not used, the experience was just the reverse, and if they had let loose all the winds of heaven, all the wild blasts of hell, and all the wild beasts in the Zoological Gardens, in order to create the utmost possible noise and confusion, they would have a faint conception of what occurred. But his hon. Friend would say a vote was a public trust, and therefore it ought to be publicly exercised, and the hon. Member for Whitehaven (Mr. C. Bentinck), wishing, he (Mr. Osborne Morgan) supposed, to improve on that idea, had actually given Notice of his intention to move as an Instruction to the

Committee that, if the Bill be passed, votes in that House should be taken by Ballot. Now, it was easy for them sitting there, with no greater fear than the fear of losing their seats, to indulge in that view of pleasantry. It was easy enough, he said, for a magistrate who had just come from a capital breakfast to lecture a poor starving wretch on the enormity of stealing a potato, and it was as easy for his hon. Friend (Mr. C. Bentinck), who was the incarnation of independence, who could rise proudly in his place and say—"he cared for nobody, and nobody cared for him," to denounce as a cowardly hypocrite the voter who was afraid to proclaim his political opinions on the housetops. But, possibly, if the hon. Gentleman's dinner for the next six months, or for the rest of his life, depended on the vote he gave, he, too, might not be sorry to shelter himself under the protection of the Ballot. And as to hypocrisy, was there no hypocrisy in a man going up to the polling-booth and openly recording his vote in favour of a candidate whose principles he disliked or distrusted? Then the hon. Gentleman who seconded the Motion (Mr. Ridley) said but not only did he object to secret voting, but that the Ballot would not give them secret voting. But surely that argument cut the throat of the other argument completely; for if, as his hon. Friend (Mr. A. Cross) said, their objection was to secret voting, and if, as his Secondor contended, the Ballot would not make voting secret, what became of the first objection to the Ballot? But he returned to his hon. Friend and his speech—his hon. Friend laboured very hard to show that the Ballot would not extinguish bribery. Who ever said it would? They demanded the Ballot in order to extinguish intimidation, and you replied—"Oh! but it would not extinguish bribery." It reminded him of the conversation which Lord Macaulay said he once had with a body with whom he was endeavouring to discuss the character of Charles the First. Macaulay complained that the King had broken his coronation oath. The only answer he could get was—"Oh! but he kept his marriage vow." The answer was quite as logical, and as much to the point as that which they got from the hon. Gentleman. Now, he (Mr. Osborne Morgan) went even further—he be-

lieved that neither the Bill nor any other legislative enactment would ever extinguish bribery. On the contrary, he believed that so long as they had poor men who looked upon a vote as a marketable commodity, and so long as they had rich men who were willing and able to buy that commodity, so long would money find its way from the pockets of the one to the pockets of the other, as naturally as water flowed from a higher level to a lower. When once it was generally considered as disgraceful to attempt to bribe a voter as to bribe a Judge or a Member of Parliament—and there was a time when better Judges and Members of Parliament were freely bribed in this country—then, and then only, would bribery become a thing unknown. But if the Ballot would not extinguish bribery, it would put a stop to one very prevalent form of it altogether—he meant what was called “afternoon bribery.” And he did believe that it would do much to check, if not to extirpate the evil generally; because he was sure that Englishmen in general had a knack of liking to see which way their money went, and that they would not care to throw away large sums in the dark. And as to what his hon. Friend called “bribery by results,” it would have to be conducted in so vast and wholesale a scale that it was certain it would not be generally resorted to. But then his hon. Friend said—“If they made the voting secret, they took away the possibility of punishing bribery.” But that, he (Mr. Osborne Morgan) apprehended, was an entire fallacy. For they punished a man not because he voted for the man whose bribe he took, but because he took the bribe. That was the *corpus delicti*; and in order to bring it home to the culprit it was not necessary to follow the vote. But he came now to that which constituted the real case for the Bill, and upon which the demand for it must rest or fall—the prevalence of intimidation and the chance of the Ballot stopping it; and here they were met by two objections. On the one hand it was said that intimidation did, not exist, and on the other that if it did the Ballot would not stop it. Now, as to the first point, that was a question of fact, and each person would answer it according to his own experience. But there was one piece of advice he should like to tender to any

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hon. Member who felt sceptical on the subject. Let him come down and canvass a Welsh constituency. He (Mr. Osborne Morgan) would answer for it, though he might be a perfect infidel to start with, he would be converted before his labours were half over. Had the House forgotten the story of the Cardiganshire evictions? His hon. Friend the Member for Merthyr (Mr. Richard) brought that matter before the House. They dragged into the light of day nearly 100 cases of men who had been evicted from their holdings and turned adrift into the world for no other fault than that of having voted according to the dictates of their consciences. They proved each case as clearly as it could be proved in a Court of Justice. The House gave them sympathy; but it could give them no redress. The matter, however, was not allowed to rest there—so strong was the feeling in the Principality for those oppressed and injured men that a sum of nearly £4,000 was collected—not merely in large sums, but in half-crowns and shillings, and even in sixpences and pence—to start them afresh in the world, and to provide some of them with the means of emigrating from the country. Now, was it not a monstrous thing that poor tenant-farmers and even labouring men should be called upon in that way to put their hands in their pockets and contribute out of their hardly-earned incomes, to redress a wrong done to their neighbours by men who claimed a right to dictate to them? And did not the fact that they were willing to do so prove that the story of those wrongs was not a trumped-up tale? So far from intimidation being on the decrease, he believed there never was an occasion in which intimidation of every kind, and under every form, was practised so extensively and so unblushingly as at the last General Election. Then as to the question whether the Ballot would stop intimidation if it existed. On that question, at any rate, they had on their side the evidence of nearly every witness who was examined before the Select Committee, or who had since given evidence on the subject. Let him take that of one gentleman, whose Report on the subject had just been placed in their hands—Mr. Du Cane, the Governor of Tasmania. Mr. Du Cane, when a Member of that House, was the zealous and uncompro-

missing opponent of the Ballot; but what did he say of its effect in stopping intimidation after four years' practical experience of its working? His views were summed up in these remarkable words—

“Taken in connection with the system of nomination by voting, it secures perfect order and tranquillity during the progress of the election, and permits every voter to record his vote for the candidate of his choice without fear of hindrance by intimidation of violence of any kind.”

And he might add another indirect testimony which was not without significance just now. At the very time when the Liberal journals in this country were agitating for the adoption of secret voting, the Communal papers of Paris were agitating for its abolition. And why? Because, as they put it, with open voting the pressure of public opinion—they all know what that meant—could not be brought to bear on bad citizens? He was not going into the details of the Bill now—it would be time to do that when they got into Committee; but this he would say, that, taking it all round, a better or fairer and a more thorough Ballot Bill was never laid on the Table of that House. But before he sat down, let him say one word on the present position of the measure. The Ballot was the oldest question before the House and the country. They had gone on discussing it for a whole generation. The very first time he entered that House, now more than 30 years ago, he heard that distinguished man who had just passed from among them—Mr. Grote—make one of his masterly speeches in support of the Ballot; and, if he recollected rightly, the arguments advanced against it then were precisely the arguments that had been urged against it that night. From that day to this the question had been brought forward every year. If they could not make up their minds in 30 years, when would they be able to do so? But there was a further special reason why the settlement of this question should be no longer delayed just now—they had already sat there during the average period of a Parliament's duration. In another Session they would be getting into the “sere and yellow-leaf” of their Parliamentary life. It was high time that they should set their House in order, and make their testamentary dispositions. Now, he was not going to lecture the Ministry—it was a cheap and

easy way of getting up a cheer from yonder benches. On the contrary, he admitted that the Ministry had behaved loyally to their party in this matter. But he might fairly ask, if they did not pass the Bill, what would be the net result of their labours this Session? Putting aside the University Tests Bill—which was a *fait accompli* from the first—their legislative triumphs would be confined to a Coercion Bill and a Dog Bill. [An hon. MEMBER: The Army Bill.] Yes; but what sort of an Army Bill? A mutilated torso, without arms, or legs, or head, or tail, or anything else. Now, he maintained that under those circumstances the honour of the Government was bound up in passing this Bill—they could not delay it even for a Session without a loss of credit which might be fatal to them. And he could not conceive any result more disastrous to the whole Liberal party, or more damaging to the character of party government generally, than that it should go forth to the world—as it certainly would go forth to the world if that measure be thrown over for another year—that the only power in this country capable of carrying the Ballot was the power which carried the Reform Act—a Conservative Government belying their own principles in order to secure the support of a Radical Opposition.

MR. PEEL DAWSON said, there was a time when the country might have had good grounds for resorting to the Ballot in consequence of the evils of coercion by landlords, employers, customers, and others. But there was very little of all that left now, public opinion having been for some considerable time exercising its proper influence. A great change had come over the governing power of the country, the higher and richer classes not being now in exclusive possession of it, as the middle classes had come in to share the power with them. Hence had arisen a free action among the electors themselves. Public opinion was doing its work steadily, and when it acquired its proper weight the only argument in favour of the Ballot—namely, that it would prevent intimidation—would be disposed of. So far as bribery was concerned the Ballot never could eradicate it, and would indeed, in his opinion, tend in an opposite direction. What now prevented votes being given for personal and class interests

but the dread of coming under a ban amongst a man's friends? Give the Ballot, and the venal voter could at once surrender himself without any fear of shame to any course that corruption might dictate. Let them look at the working of the Ballot in America. Were they satisfied with its results there? Was it not a fact that men there were brought up in bundles to vote, and were not paid unless success was secured? Had it not led in that country to such complete corruption that in that boasted land of liberty there was less of practical freedom than in almost any of the monarchies of the Old World? In a morning paper of December 18, 1858, a letter appeared from the then President of the United States, in which he anticipated the time when the voters in the United States would become so affected with corruption that the foundation of free government would be poisoned in its source and end in a military despotism. England, where men voted openly before the world, had hitherto been regarded as the land of freedom, and he believed that public opinion was the best corrective for those evils which it was sought to cure by the Ballot. The Ballot would introduce into the British Constitution the spirit of the Star Chamber, and although no one would be more ready than himself to rejoice in the destruction of any unfair influence, yet he could not conceal from himself what the most ardent supporters of the Ballot dare not ignore, that it would not limit clerical influence. He did not allude merely to the Roman Catholic clergy, for he had known some of the most arbitrary and unscrupulous interference proceed from ministers of religion belonging to persuasions other than Roman Catholic. The Ballot was especially unsuitable to Ireland, being opposed to the character and habits of the people, and as a fact very few Petitions emanated from that part of the kingdom. The Ballot would tolerate all the evils at present in existence, and would create others. The elector should perform his duty in the light of day, and any other course was, in his opinion, unmanly. Therefore he felt he should be performing his duty in the best manner to his constituency by voting against what he would not call un-English, or even un-Irish, but which was nothing less than a secret, silent, and insidious system.

Mr. Peel Dawson

MR. LEATHAM: Mr. Speaker—I should suppose that few hon. Members of this House listened with greater pleasure than I did to the speech of my hon. and learned Friend the Member for South-west Lancashire (Mr. A. Cross). Knowing a little of this question, I found his speech a great intellectual treat. But skilful and augmentative, and marked by high ability though it was, I question whether the opponents of the Ballot have any great cause to feel grateful to my hon. Friend. But for him and his speech it might have been forgotten that, by so many fallacies, the party, of which he is a distinguished Member, have withstood this great constitutional reform. In one sense that speech was a synopsis of failure. Every argument which he adduced, every assertion which he advanced, every appeal which he made, every standard which he raised—I hope for the last time to-night—but under which in times which are past, the party has marched confidently enough—all these have become already the spoils of common sense—and my hon. Friend has decked out a huge trophy with them, not, as he very well knows, to adorn the coming victory of his opinions, but to grace the triumph of those who have vanquished them. The Ballot is immoral; the Ballot will teach hypocrisy; the Ballot will promote bribery. These are the assertions which have been brandished in our faces any time during the last 40 years, and in defiance of which this question has grown out of its obscurity until it fills the whole of this side of the House, and has taken possession of the Cabinet itself. My hon. Friend argued that intimidation is rapidly on the decrease. I can easily believe that there are few hon. Members less likely than my hon. Friend knowingly to commit an oppressive or unjust act. But the mischief is that we cannot help ourselves. We may protest as much as we please. Tradition is too strong for us. Our very presence at a contested election is pressure, and what is the whole system of canvassing but a system of organized pressure. It is not necessary for landlords to write letters recommending a particular candidate, as they do in Wales. It is not necessary to send the agent round with them to their tenants from house to house, collecting votes as he might collect rents. It is not necessary to send long strings of cars for one's

tenants, as they do in Ireland, with a military escort, whose duty it is to see that these free and independent electors do not escape. It is not necessary to go about the streets armed with scythes, as they do at Limerick, or with your pockets full of stones, as they do at Bristol. These forms of intimidation are coarse and brutal, and, except at election times, they shock everybody, although your law either cannot or will not touch them. There are forms of coercion, equally cogent, which wear quite another exterior. There is a form of coercion which goes about bland, and smiling, and bearheaded—which grasps its victim warmly by the hand, and only says—"I know, Mr. Smith, that you will be with us on Thursday"—but which drives, compels, coerces as surely, more surely, than armed mobs and ruffianly agents, and all the *posse comitatus* of overt intimidation. Sometimes it takes the name of the just influence of property. Men expect their tenants to vote with them because they always have voted with them. And what happens? Why, what happened in Mid-Cheshire; where a Cheshire landlord told us that tenants "think it rather safer to know nothing, since they must vote as they are told." Now with all this staring him in the face; with every instance of coercion with which that Blue Book teems—coercion by landlords and their agents; coercion by masters, overlookers, and fellow-workmen; coercion by customers, by priests, by armed mobs, by the soldiery—coercion exercised by almost everybody who has the power to coerce over everybody who is powerless to resist coercion—the irony is a little too bitter when an hon. Member sitting for a division of the county of Lancaster—the county of Stalybridge, with its anti-screw association; Blackburn, with its screw circular; and of Ashton, with its victim fund—rises from the perusal of that instructive volume and talks of intimidation as though it were almost extinct. But my hon. Friend says that the Ballot will teach hypocrisy. Do not you teach hypocrisy now? What happens when a man votes against his conscience, as thousands do at every General Election? Do you think that he will candidly admit it? When he is twitted by his comrades with giving the coward's vote or the menial's vote—will he calmly acquiesce? No, Sir, he will brazen it

out. He will advance any plea for the base vote, except the true and shameful one. Gratitude to his employer, fidelity to his master, affection for his landlord—and when the object who inspires these gushing emotions has turned his back, he will shake his fist after the master of his fidelity, and curse between his teeth the landlord of his love. But perhaps he is a calculating hypocrite. Why, then he will go about for weeks and months preparing for his base vote, praising the candidate whom in his heart he despises, and shouting until he is hoarse for the man who he hopes to see at the bottom of the poll. It is your open voting which is the true school of hypocrisy. It is there that the man in dependant circumstances learns already those lessons of hypocrisy which my hon. Friend expects the Ballot to teach, and he learns them under the tuition of his betters, and in the name of courage and manliness and truth. But the main argument of my hon. Friend was that the exercise of the franchise was the exercise of a public duty, and that every duty affecting the public must be publicly performed. But I want to know where this monstrous proposition comes from, or upon what precedents it is based? In a free State there is no public duty more important, or more supremely affecting the public, than the duty of the man who undertakes to warn and instruct the public mind; to tell the public what is for its good, and what is not; who are its friends and who are not; to criticize, and, if need be, to condemn the character and conduct of our public men. Will it be contended that the simple duty of the citizen transcends in importance or in responsibility to the public the duty of the man who attempts to mould public opinion, and to dictate from his oracular penetralia the policy of the nation? Now, apply your theory. Demolish the anonymous shelter of the public writer, and what becomes of the liberty of the Press? Observe, then, your inconsistency. The hand which moulds public opinion must be concealed, the hand which contributes its paltry unit to the glorification of Jones, or the discomfiture of Robinson—two rival candidates—must be exposed. The man who persuades me to vote for Jones and disappoint Robinson must wear a mask. I, who vote for Jones, simply because for the time being I am possessed by the mind of the man in the

mask, must wear no mask, for, if I do, the social edifice begins to tumble in pieces, and my hon. Friend will be found sitting, like Marius, a ruined man among ruins. But I want to know where my hon. Friend's precedents come from. Does he find them in the Council Chamber of the Sovereign, and among the responsible advisers of the Crown? What happens when, upon these 15 men, devolves the exercise of their prodigious responsibility to the public? Let us suppose that it is a question of the first magnitude—a question of peace or war—and that the Cabinet are pretty evenly divided in opinion, that seven are for peace and seven are for war. Upon the vote of the fifteenth depend the most gigantic issues to his country. Is that vote given publicly? No, Sir; a wise and impenetrable secrecy shields the voter. The country may be betrayed in the dark, but the man who dares to thwart the burning ambition of Robinson must do it in the daylight. But perhaps my hon. Friend thinks that he may find comfort in the Law Courts. He spoke of magistrates and Judges. No doubt the judgment or sentence of a Judge is publicly pronounced. It would be hard to see how it could be otherwise, but behind the Judge stands the whole authority of the realm. He is protected by the arm of the Sovereign, and if there be any risk to the man who wears the ermine, that risk is abundantly compensated for in the dignity and emoluments which attach to the office. But who ever heard of harm coming to an English Judge because he gave an upright decision? Yet harm comes to the upright voter every day. Now, there is a Court of Law in which those who sit in judgment are not supposed to be quite so hedged about with inviolability as an ordinary Judge. It is assumed that consequences in some degree resembling those which attend the decision of a common voter attend theirs. Is their vote given openly? Every member of a Court Martial, when he takes his seat, takes also an oath, that at no time and under no circumstances will he divulge the vote of any other member of that Court. But take the case of the common jurymen. In Scotland, where the vote of the majority rules the verdict, the vote of individual jurymen is secret. In England, where the fiction of unanimity still prevails, this is virtually the case, because all the

deliberations of the jury are in secret, and the public never knows who is the stout jurymen, with the capacious stomach or the capacious pockets, who starves his colleagues into submission. Look then, in whatever direction you will, all precedent is against my hon. Friend—all precedent is on our side; and it proves this—that wherever the State does not step in to remunerate the man who discharges a risky public duty, for his risk she calls in secrecy to the aid of conscience. And now, Sir, let me turn from the region of theory to that of fact. The Ballot is no novelty. We have ample experience of its practical working. My hon. Friend spoke of the Ballot in Australia. He laboured hard to show that everything in Australia was not precisely the same as everything in England—that people are a little better educated, or a little better off—or that their political condition differs from our own. Now, if everything in Australia were precisely the same as everything in England—if Australia were simply a slice of Great Britain—my hon. Friend would not have a leg to stand upon, because the success of the Ballot in Australia is absolute. My hon. Friend cited evidence from Australia with the view of showing that bribery and intimidation scarcely existed there before the introduction of the Ballot. Now, no doubt, the colonists spoke as favourably as possible of their friends; but the utmost which any of them would say was, that before the Ballot bribery and intimidation were not general or extensive. Yet some of them distinctly stated that they were. "I recollect a good deal of bribery also." "It was notorious that a certain portion of the electors were open to bribery." "Before the Ballot landlords would act very much as landlords do in this country, but now such a thing is never heard of," said my hon. Friend the Member for Cambridge (Mr. R. Torrens). "I think that there was a great amount of bribery before the Ballot, and a great deal of treating and intimidation also," said Mr. Muir, for 15 years returning officer at Melbourne. There is one point, however, upon which all the witnesses agree, and the colonial Governors agree with them—namely, that there is neither bribery nor intimidation now. Now, why is this? We say that this result is mainly due to the Ballot. My hon. Friend

Mr. Leatham

attributes it to education. But he forgets that, if education has reached a higher limit in Australia than it has here, the suffrage has reached a lower. But what says Mr. Dutton—

"According to the last Census Return, out of 25,029 electors in South Australia, 2,273, or 9 per cent, could not read."

And further on he says—

"During the time of open voting the principal expense of the candidates was to keep a number of publichouses open."

He speaks of as much as £4,000 being spent by one candidate mainly in this way. That does not argue a very high state of education. And what says my hon. Friend the Member for Cambridge—

"Under the old system everything went on precisely as it does in this country, the same row and screaming, and shouting, and stone-throwing, and rotten eggs, and all that sort of thing."

This does not look like a high state of refinement. But my hon. Friend says that wages are higher and people are better off, and, therefore, not venal. But, speaking of Tasmania, Governor Du Cane states that "the circumstances of the colony are in a very depressed state," and I read the other day in an Australian paper of a bread riot at Adelaide. The fact is that people are liable to the same vicissitudes in Australia as in England. But my hon. Friend ekes out his argument by the assertion that there is no party government in Australia, no party organization, or party questions. This only applies to the colony of South Australia, where, however, great political questions occasionally arise. But, generally, there is a good deal of political indifference, coupled, however, with strong ambition on the part of candidates to obtain seats in the Legislature—a condition of things highly conducive to bribery. When, however, you come to the colony of Victoria, you find a state of things clearly analogous to that in this country. Mr. Verdon was asked—

"Is there much excitement about the elections often?—Yes, intense excitement, but it is the excitement caused by the political questions which are being discussed. Do a large number of the electors generally give their votes?—Yes. Is it the rule, or the exception, for a contest to take place?—The rule. Do politics run high there?—Yes. Are parties divided by a strongly marked line?—Yes. Is there any regular party feeling as there is in England?—Yes. Do parties continue to be opposed to one another on definite grounds?—Yes; parties who have been opposed continue to be opposed to one another for the last 10 or 12 years certainly. Then the government

of Victoria is by a system of party precisely the same as it is in this country?—Precisely."

Well, Sir, what then becomes of the assertion that there is no true analogy between the social and political conditions of these populations, and that therefore the argument based upon analogy fails? Now let me turn to America. My hon. Friend told us of the abuses which exist under the Ballot in America, and he referred to a series of letters compiled by a committee of gentlemen in this country avowedly hostile to the Ballot. I said compiled, but I might almost have said concocted, for any method less likely to arrive at genuine American opinion upon the working of the Ballot it would be almost impossible to devise. For how did these gentlemen proceed? They selected 12 correspondents from the United States, upon what principle of selection does not appear; but, since this was a political matter, probably upon what Mr. Darwin would call the principle of natural selection. To each of these 12 gentlemen a string of most suggestive questions was sent, and apparently that there might be no mistake as to the answers which they were expected to return, Mr. Mill accompanied the questions by a note, in which he did not pretend to disguise either his own or the committee's opinion with regard to the Ballot. But, in order that the House may estimate—I scarcely know what to call it, but certainly not the impartiality of the committee—let me remind them that, although there are 37 States in the American Union, the majority of these correspondents were selected from three only; and what three? Why, precisely those, in some of the chief cities of which, through the existence of a large Irish vote and a most imperfect system of Ballot, some of the abuses which attach to open voting prevail. Two were from New York, three from Pennsylvania, and two from the City of Boston. Now, the correspondents who wrote from New York and Philadelphia explained that the Ballot in these States was really no Ballot at all, and, therefore, of course, the abuses which belong to open voting are to be found there. When we come to Massachusetts, however, we find the history of the Ballot in that State to be of a most instructive character. Originally the name of the candidate was written on each vote, but when the State became populous these written Ballots

were found inconvenient, and printed Ballots were substituted. This, as Mr. Amasa Walker explains—"very unfavourably changed the character of the Ballot, because the printed votes could be recognized at the polls." But the Ballot was absolutely destroyed by a subsequent law, which provided that "all votes should be deposited open and unfolded." "The consequences soon became painfully apparent." "Intimidation and coercion were extensively used." Eventually, in 1851, the close Ballot was adopted—that is, every Ballot was placed in a sealed envelope, and with what result?—

"It was found economical, convenient, and expeditious; a perfect security against fraud, and a full protection to the voter. Operatives and all others in dependent positions were emancipated by it, and voted with as much freedom as the most powerful classes."

Finally, in the year 1853, the reactionary party came again into power, and "emasculated the law" by providing "that any voter might use the envelope or not as he might choose." Well, Sir, letters were received from five other States. Mr. Colfax, Vice President of the United States, speaking specially for Indiana, spoke most highly of the success of the Ballot. In Illinois and Rhode Island the Ballot is optional, and the protection to the voter therefore imperfect. In Virginia the Ballot had only been introduced six months before the correspondent was asked his opinion, but, true to the instincts of one of Mr. Mill's special correspondents, although he admitted that he had no experience whatever of its working, he recommends that gentleman "to avoid it as he would the small-pox." Lastly, we come to the only State into which the committee penetrated in which they appear to have an absolutely close Ballot, and what do we find? That intimidation does not exist. Sir, I think that I can afford to make my hon. Friend a present, and not a very liberal or generous present either, of all that he can get out of those letters for his case against the Ballot. But before I sit down, let me invite the attention of the House to a short extract from an essay contributed by Mr. Morse, an American writer, well known in this country, to *Fraser's Magazine*. He says—

"In the matter of corruption, I feel no hesitation in asserting that it is a thing almost unknown among the voters of the United States."

Mr. Leatham

For this he suggests two reasons—the great number of the voters and the Ballot. He says—

"Another fact which is operative at all elections, without exception, is that no man who purchases half-a-dozen votes can ever be sure how the majority of them will be cast. It is an utter impossibility for a person who buys votes to assure himself of their delivery according to the contract of purchase. He is obliged to depend upon the honour of a man whom he has himself proved to be dishonourable."

But I shall be told, perhaps, that the American citizen scorns to hide his vote, and that an equal scorn ought to rise in the breast of the English citizen at such a proposition. No doubt the American citizen scorns to hide his vote, but he scorns also to lay his hand upon his fellow-citizen and to say—"Your vote is mine." Until an equal scorn is ours, it is in vain for us to pretend to American manliness, for there is no cowardice, to my thinking, more unmanly than that of those who first trample down the helpless and then taunt them, as I think I have heard them taunted, even in this House, because they are not brave. The American citizen does scorn to hide his vote. In dealing with the American people you are dealing with a nation whose political limbs had been free for generations. The American citizen walks with a firmer tread among his fellows; the whole American nation marches with a bolder mien before the world; and why is this? Not because there is anything in the American character which is naturally more manly than anything in ours. I rejoice to think that we both belong to the same great and manly race. But all that is manly in the English and American character has been developed by the institutions which surround it, and among them is one framed for a time when the instinct of coercion, inherited from ourselves, was still strong, but which has triumphed over the instinct itself—I mean an electoral system, the first teaching of which was that the voter was absolutely free. I desire to see the character of our people crowned by an equal independence. I desire to see this notion of coercion—which, through the teaching of the Ballot, has wholly died out in Australia, which, through the teaching of the Ballot, has all but died out in America, through the teaching of the Ballot—die out here. For, Sir, I am convinced that the death of the old feudal

arrogance on the one hand, and of the old craven submission upon the other, will be the birth of a manlier carriage in our people, a bolder policy in this House, and a nobler spectacle of freedom for the world.

MR. STEPHEN CAVE said, the hon. Member for Huddersfield (Mr. Leatham) had pronounced an eloquent panegyric on the American character, but it was a little inconsistent with his previous statement. The hon. Member said that the American citizen scorned to hide his vote; but a short time before he had told the House that in more than one State the Ballot was necessary in consequence of the coercion which was exercised. Before entering upon the question now before the House, perhaps he might be allowed to explain why he had dropped the Motion which had been so long upon the Notice Paper, and why he intended supporting that of his hon. Friend the Member for South-west Lancashire (Mr. A. Cross). His Notice was levelled against secret voting, and it was so limited because there were other provisions in the Bill to the principle of which he was not opposed. And although the success of his Motion would, undoubtedly, have been fatal to the Bill, still the objections felt to the measure by a large number of hon. Gentlemen on that side of the House were so strong that they preferred a Motion on the face of it more hostile to the whole proposal. He cheerfully bowed to that preference, and, as he would rather give up the provisions to which he did not object than accept them in conjunction with the Ballot, he had no difficulty in supporting the wider Amendment. Perhaps, however, after what he had said, he ought briefly to specify the points on which he concurred more or less with the Government measure. In the first place, he was very much inclined to welcome the proposed change in the law, and he might say the change in the opinion of the Government, with reference to nominations and declarations of the poll. Riots on these occasions were not confined to the North of England. Though he had faced such accessories to elections, and was ready to face them again, still they were not pleasant. The right hon. Gentleman the Vice President of the Council had mentioned, in his opening speech, an episode in the election of the right hon. and gallant Member for

Ripon (Sir Henry Storks); but he could assure him that the flints of the Southdowns and oyster-shells of the South coast were not softer than Yorkshire granite, and perhaps less easy to catch. On one occasion the declaration of the poll at Shoreham had been interfered with by the conflagration of the hustings. He ought to say, for the credit of his constituents, that they attributed these unruly proceedings to the supporters of the hon. Members for Brighton, where he understood that the roughs made a Shoreham election a close holiday, and came over in force. He was a little doubtful of the complete success of these provisions, and perhaps the right hon. Member for Bradford might find that the public meetings in Yorkshire would change their character, and be interrupted by the noisy element he would shut out from the hustings. Coming to the provision for throwing the necessary expenses of elections on the rates, about which also the Government seemed to have changed their minds since last year, theoretically this might be right; but the present system had afforded some protection against an excessive number of candidates, against men standing from mere vanity, or for the purpose of giving trouble, without the slightest chance of success, and he feared that in that way a very heavy expense might be thrown upon the ratepayers. After all, the grievance to the poor man was rather sentimental than real. The charges of the returning officer formed a very small part of the expenses of Parliamentary life, and he had known many cases on both sides in which constituencies wishing to elect a man to whom expense was an object had, to the honour of both, subscribed every farthing, even to the ticket on the railway. Of vote by Ballot there were two kinds: the one used for convenience, the other intended to secure absolute secrecy. To the principle of the first he had no objection. It afforded protection against that worst of all kinds of intimidation—that of a mob on polling-day, whose violence, usually exerted against the most respectable portion of the constituency, rendered it absolutely impossible for weak, timid, or elderly people to record their votes. So far he went with the Ballot, and he believed the Ballot itself practically went no further in most of the countries in which it was

used. There was no question of principle between that kind of Ballot and open voting, and he agreed with the conclusion arrived at by the Vice President of the Council, after comparing the two systems, that "peace, order, and quietness are much in favour of the Ballot." But could not even this object be attained in another way? He thought it could, and he believed the closing of publichouses, the multiplication and proper regulation of polling-places, the admission only of a certain number of people, as at present in the Inns of Courts and Universities, so that voting should be safe and private, but not secret, together with the prohibition of declaration of numbers till the close of the poll, would do all that was necessary to prevent violence, and—the last especially—much to prevent bribery. He believed, also, that magistrates should treat rioting and mischief by mobs much more severely, for they were too apt in many places to look upon it as venial license, all fair at election time. But coming to the real object of the Bill—the framing a scheme of voting which should render it absolutely impossible for anyone to know which way any particular elector had voted—he would pass over briefly the objections which were not those of principle, but of detail. Those, however, were by no means unimportant. The right hon. Gentleman admitted that with secret voting scrutiny must be abandoned; but he said that scrutiny was rarely resorted to. This was perfectly true; but why? Simply because the watchfulness of agents and friends of candidates during polling was a perpetual scrutiny. Take away that, and there was nothing to prevent personation, particularly as it would be no one's interest to follow up a vote without knowing which way it had been given. The papers from Tasmania were very instructive on that point. There would be the danger of forgery, and of bribery of and tampering by officials, the last, perhaps, might not be very probable, but people would always question a return which went much against their expectations. In a recent election in Connecticut it was proved judicially that the returning officer had suppressed a bundle of 100 voting papers on one side, and returned 500 instead of 600. The genuineness of the French elections was credited by few, and even the admirers

Mr. Stephen Cave

of the Ballot in Australia confessed that there "it had not felt the strain of trial." The first question naturally was, what were the present evils against which this revolution in our ancient constitutional practice was levelled? Were they increasing, or had they attained such magnitude as to induce them to run any considerable risk in order to get rid of them, and was the particular method by which it was proposed to obviate them fraught with so much mischief and danger that they would be acting more prudently in bearing the ills they had than in adopting it? The weak points of the present system of voting in such a way that their votes might be produced—for he gave up the barbarous system of what might be called voting under fire, amid a shower of brickbats and abuse—the weak points were corruption and intimidation. Nobody could deny that these existed in a very considerable degree; but, at the same time, no one could deny that within recollection they had enormously diminished. The change of tribunal from Committees of the House to the Judges had no doubt done much, and would do more. There had certainly been a great change in public sentiment since men openly avowed that they had a right to the opinions of their dependents. Who could see the way in which farmers' clubs, for instance, spoke out on questions touching what might be called farmers' politics, without being convinced that the coercion of landlords had no terrors for them? At election times especially many changes of tenancy were attributed to political reasons. He remembered the late Mr. Berkeley telling a story in that House of a landlord turning out a tenant for such reasons, and saying—"You have a Roman nose; I object to tenants with Roman noses." So, on the other hand, if a tenant received notice on account of bad farming, for instance, he frequently attributed it to political persecution. It was notorious that such was the character of many cases in Wales, of which much political capital was made at the last election. There was legitimate as well as illegitimate influence, though the hon. Member for Huddersfield refused to admit this. He believed the Ballot would increase the latter and weaken the former; and he would rather see a voter follow a landlord whom he re-

spected, and whose opinion he would take in many matters besides politics, than see him vote under the influence of the speeches of demagogues at excited meetings, which would sway the uneducated and half educated more than ever, and though full of mis-statements and false imputations were cleverly adapted to the prejudices of the audience, based as they were on the axiom that he who went about descanting on grievances would never want hearers. He admitted that in small places tradesmen, especially those without strong political feeling, had a disagreeable time at elections in the wish to oblige customers of both sides, and that the Ballot might enable them to do so more easily. But would the Ballot prevent that worst form of influence and intimidation—worst because it was ever present, sleepless and relentless—that of fellow-workmen. If it prevented that, it could only be by the victim acting as well as speaking a lie every day of his life. As a respectable man in Paris was obliged to shout "*Vive la Commune*" to save his life, so the English workman who dared to think differently from the mass would have to deny the opinions he cherished, and denounce the candidate for whom he intended to vote. "I wish," said the hon. Member for Huddersfield, "to get rid of that low morality which makes a man amenable to that false and variable criterion, the opinion of his fellow-men." As long as human nature existed you could not get rid of it, but you might add hypocrisy, which the hon. Member would admit would lower even that low morality. Mr. John Stuart Mill, in one of his books, said, that "all nations were given to lying; but that the English were ashamed of it." He was afraid the feeling of self-preservation would remove or weaken the feeling of shame, and, if so, they would attain purity of election at the expense of the national character, and the remedy would, indeed, be worse than the disease. He confessed to the belief that the influence of public opinion was the best security for the due exercise of political rights; and he feared that secrecy would destroy that wholesome public opinion—would make respectable people careless about politics; and by bringing about among them that political apathy which prevailed for other reasons in Berlin, would give strength to the wild anar-

chical views of an insignificant party which public opinion kept in check. They had been told that it was unfair to oblige a majority to forego the legitimate use of intoxicating drinks because the minority could not refrain from the abuse of them; but here it was proposed to deprive the great majority of the power of making known the way in which they had discharged perhaps the only political duty they had the opportunity of performing, in deference to the timidity of a small minority. Again, he said the remedy was worse than the disease, and was to be applied when the disease had been almost cured by other means. The practice of the clubs was frequently adduced as an argument in favour of the Ballot. He ventured to say that that was a confusion of ideas between public duty and private convenience. Moreover, he should be unwilling to import into political elections many of the motives which influenced the members of a club, and which too often savoured of malice and uncharitableness. Even in clubs promises and votes did not always correspond. Most hon. Members had heard the story of the Kildare Street Club and Lord Fitzgerald—how every member promised severally to vote for his candidate, and how on the day of Ballot the only white ball was his own. A similar experience is said to have converted against the Ballot Mr. Williams, the late Member for Lambeth. One of the worst results of the system was, in his opinion, the destruction of all confidence between man and man. Canvassing could never be prevented—the papers from Victoria proved that—weak people could never be prevented from promising, especially when they were not to be called to account. The result of the election would be, therefore, more disappointing than ever to the beaten candidate, and whereas now in many instances hands were shaken, and a frank admission made that a fair fight had been fought, the unsuccessful man would henceforward retire with the conviction that his neighbours and familiar friends had played him false, and some one would not be wanting to suggest that even his own committee must have turned against him. As they seemed likely to have the nuisance of perpetual elections all over the country for school boards, for financial boards, for parochial councils,

and what not—all, he presumed, to be by Ballot eventually—what a disruption of neighbourly confidence this would produce! It was said that the different classes in this country never knew the real feelings, the inner life, of each other; that there was a reserve they never penetrated. That was a misfortune which this new element could not fail to intensify. As illustration was sometimes more convincing than argument, perhaps the House would allow him to mention a circumstance which once came within his own knowledge, and which he thought was somewhat instructive on that point of destruction of confidence between man and man. He was once canvassing a place in the South of England—he need not mention names—and on coming to a public-house in one of the streets the persons who were with him said—“You need not go in there; the landlord is a red-hot Ballot man.” However, he went in, and said to him—“I am come for your vote; but I suppose I shall not get it.” “Are you for the Ballot?” the landlord asked. “No,” he replied, “certainly not.” “Oh, then, I’ll vote for you.” “I am surprised,” he said, “for I heard you were a red-hot Ballot man.” “So I was,” the man rejoined, “till lately, but I’ve found out what a base thing the Ballot is.” He (Mr. Cave) saw that he had a story to tell, so he sat down and let him go on. “A few weeks ago,” he said, “there died the landlord of a neighbouring public-house, in which a friendly society held its meetings. Myself and another publican each wanted the society to come to our house, and the members agreed that it should be decided by Ballot. We both canvassed; there were 30 members, and I got 20 promises, so I thought myself sure. When the time came I got 10 votes, and lost. But that was not the worst of it, for in the course of the day the whole 20 came in, one after the other, and said—‘My dear fellow, I am so sorry you did not win; you know I voted for you.’” [*Ironical cheers.*] Yes, he understood that cheer, and of course he knew it might be said that a few instances of that kind would prevent canvassing altogether, and leave people free to vote as they liked; but even if that were to be so, which he very much doubted, especially after the evidence to the contrary from Victoria, at what a price would

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this freedom be purchased! No less than by corrupting and paralyzing the character of the nation. In that country they were supposed to have the right not only to their own opinions, but to the expression of them. Take away the last and they took away the boldness to discuss public questions which certainly existed at present—the open resistance to oppression and wrong which in itself was ennobling—and what did they get in return? They got the character which cringed to their face and struck them behind their backs. They made it impossible to distinguish an honest man from a knave, and therefore they destroyed at least one of the inducements to honesty. Public spirit would be gone. Public meetings would pass resolutions one way and vote another. There would be no more faith in politics than in horse-dealing. So keenly was that felt in Massachusetts that, when an Act providing for secret voting was passed there in 1851, a large body of electors met for the purpose of denouncing with indignation what they repudiated as unworthy of free men, and so strong was the feeling that the Act was repealed the next year. The corruption and profligacy of elections under the Ballot in New York had long been notorious. He found some time ago a remedy proposed in *The New York Herald*—not mere open voting, but that “there should be a registration, by which no man should sail under false colours, or deposit his vote at an election, unless he belonged to the party to which he professed to belong.” It was not fair to subject weak people to such temptation. Even in that House, if they extended the protection to hon. Members, according to the proposal of the hon. Member for Whitehaven (Mr. C. Bentinck)—and they certainly required it as much as any other class—they might sometimes see a marvellous discrepancy between the debate and the Division List. He had said nothing of the party aspect of the question. He did not inquire whether it would benefit one side more than the other. On that there was a wide difference of opinion, as the debate had shown. They were told, indeed, that Her Majesty’s Government should secure the Ballot, and then they need not fear a dissolution. Well, it might be so; but he doubted its aiding the Imperial Parliament to govern Ireland, and he

doubted its assisting the Chancellor of the Exchequer in maintaining his balance between direct and indirect taxation. However that might be, it was because, while not blind to the evils of the present system—which, however, he believed, were disappearing from force of circumstances—he thought the proposed remedy worse than the disease, and that the character of the whole nation was too precious a thing to be imperilled for the sake of a crotchet, or sacrificed to the exigencies of party government on one side or the other. It was for these reasons that he could not give his consent to this great change in the election of the Parliament of England.

MR. STANSFELD said, he experienced great satisfaction at the course the debate had taken on this, the first occasion on which there had been a favourable opportunity of discussing it. The hon. Member for South-west Lancashire (Mr. A. Cross) had placed the issue to be decided plainly and clearly before the House. That hon. Member had addressed himself to the principle of secret voting; and he was glad to say that the subject had been discussed throughout, without reference to party feelings, and with considerable independence of thought. In spite of the Amendment of the hon. Member, he had a confident hope that this measure would pass into law. Before he addressed himself to the arguments of the previous speakers, he would ask leave to state to the House what he believed to be the various views and standpoints taken by those who had offered opinions upon the question. In the first place, there were those who stood upon the ancient lines who objected altogether to the Ballot and to secret voting to be enforced, even only on the day of polling. Those were not the views of the hon. Member who brought forward that Amendment (Mr. A. Cross), who did not appear to him to rank himself among those who opposed the Ballot in the belief that on political, constitutional, and moral grounds, it was unnecessary and mischievous; and when he turned to the Report of the Committee, of which the hon. Member was a very active and influential member, he did not find that that hon. Gentlemen, or any member of that Committee, Liberal or Conservative, took such a ground as that. What he found was that the hon. Gentleman

moved an Amendment which was confined to the objection to what that hon. Gentleman called permanent secret voting. He found also an objection moved by the right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt) which implied approval of the system of Ballot as applied only to the day of the poll. [Mr. ASHETON Cross: As a means of taking the votes.] As a means also of preserving order and tranquillity upon the day of the poll. He did not know whether he might class that hon. Gentleman with those who stood on the ancient ways and objected to the Ballot in any shape, or with those who occupied an intermediate position, and had satisfied their own minds of the undoubted utility of the Ballot in absolutely securing order and tranquillity upon the day of election. There was a second class of opponents—those whose conversion had proceeded a certain distance, though not very far—and who had become convinced that secret voting on the day of the poll, subject to publication afterwards, would be of immense value, because it would absolutely prevent a knowledge of the state of the poll, and would, therefore, prevent what was well known as “three o’clock negotiations” and the traffic in votes that it was worth while to buy. The advocates of the Ballot might be classified under two heads—there were those whose views were represented by the Amendment moved by the hon. Member for Bedford, and accepted by the Committee, which Amendment was as follows—

“That, in recommending the adoption of the Ballot, we desire to express our opinion that in order to secure the benefits we anticipate from its introduction into this country, it is necessary that the secrecy of the vote should be inviolable, except in the case of any voter found guilty of bribery, or whose vote in due course of law had been adjudged invalid;”

and there were those whose views were expressed by the Bill before the House, and by the speech of the right hon. Gentleman the Vice President of the Council upon its introduction. The difference between these two classes of advocates of the Ballot was very narrow, and was not at all a difference in principle. The reason why his right hon. Friend the Vice President of the Council, and why the Government, on full consideration, had come to the conclusion not to retain that power of publication which would only arise in case of

a scrutiny of the election, was that the case was very rare and the remedy very costly and the effect of it very small; while, on the other hand, the advantage of perfect secrecy in the minds of those who believed in the Ballot was so great, and the importance of the conviction in the public mind that secrecy had been fairly secured was so overpowering, that they had come to the conclusion that it was not worth while to observe that distinction, and they had laid on the Table of the House what he believed had been called a clean Ballot Bill. The hon. Member for South-west Lancashire, and the right hon. Gentleman who had just resumed his seat (Mr. S. Cave), had objected to the Ballot upon very high grounds. They had spoken of the Ballot as a system which would demoralize the community. They had said that the franchise was a trust. The hon. Member for South-west Lancashire had said, if it was not a trust, it was at least a public duty which ought to be performed in public, and subject to the control of public opinion. Well, he (Mr. Stansfeld) for one, did not under-appreciate those considerations. He would endeavour to reply frankly to that argument as one who had always been in favour of the Ballot. But before he addressed himself to those more abstract considerations, he would ask leave to direct the attention of the House to the facts of practical interest. It appeared to him to be important that they should come to an understanding among themselves as to what was already admitted with respect to the utility and efficacy of the Ballot, because he did not think any hon. Member would deny that there had been considerable change and progress of opinion on the subject of the Ballot, or that many things were now admitted in its favour which were not admitted in former times and in former debates. It was now admitted that the Ballot secured order and tranquillity on the day of election, and it was also admitted that it prevented intimidation. The right hon. Member who spoke last (Mr. S. Cave) had admitted so much, though, at the same time, thinking other means might be devised for attaining the desired ends. He (Mr. Stansfeld) would, however, remind the right hon. Gentleman that no means could be in any way as effective as the Ballot, because under it the state of the poll would

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never be known until it was too late to alter it. The only objection made by the opponents of the Ballot in the Committee which sat last year was to the statement that the Ballot was a cure for every form of corruption; and no division was made by them on the assertion that it also prevented intimidation. [An hon. MEMBER: No, no!] He would endeavour to convince his hon. Friend. On the Motion of the hon. Member for Huddersfield (Mr. Leatham), the Committee adopted the following Amendment:—

“That the evidence leads to the conclusion that this change in the mode of voting would not only secure order and tranquillity both at municipal and Parliamentary elections, but would also protect voters from undue influence and intimidation.”

The hon. Member for South-west Lancashire said the Ballot was a severe remedy which ought not to be applied unless its absolute necessity was demonstrated, and he said he denied the necessity on the ground that the evils of intimidation and corruption were largely decreasing in this country. He confessed he was surprised to hear that statement from the hon. Member. It did not entirely agree with the statement of the right hon. Gentleman the Member for Shoreham who spoke last, who, while agreeing with the statement as to the decrease of those evils, admitted their extensive existence. Now, he appealed to the conscience of the great majority of hon. Members of that House, whether the evils of intimidation and corruption were not sufficiently enormous to induce them to try some remedy better than those which had been hitherto applied. The hon. Member for South-west Lancashire said there was no reason, judging from the effects of the Ballot in America and France, why we should be so anxious to adopt it in this country. But the hon. Member answered himself, because in the very next breath he told the House that the Ballot in France and America was not a secret Ballot. Then he referred to the Ballot in the Australian colonies, and to the Report which had been lately laid upon the Table upon the subject of the Ballot in those colonies. He (Mr. Stansfeld) would endeavour to show that the hon. Gentleman had not fully and accurately represented the evidence from the Australian colonies. He would read one or two passages

from those various Reports. He held in his hand a memorandum upon the subject from the former Prime Minister of New South Wales, Mr. Cooper, who placed this opinion on record—

“With regard to secret voting there can be no doubt whatever that it has effectually prevented bribery”—not merely intimidation it should be observed—“and further, that it has already superseded the canvassing for votes.”

He came next to the colony of Victoria. Lord Canterbury was, he believed, an opponent of the Ballot, and it was true he did not express any conviction of its utility; his opinion was rather of a negative order; but still he recorded the fact, which was of very great importance to this discussion, that whatever the causes might be, intimidation and corruption were unknown. Lord Canterbury was disposed to seek elsewhere for the causes, with this exception—that he did believe—

“That the existing system under which votes are given and received has exercised a continuous and valuable influence in maintaining order and tranquillity during contested elections.”

[“Go on!”] He saw nothing in what followed to modify that opinion. Lord Canterbury held that other causes also contributed; but he admitted, as the words just quoted showed, that the system of which the Ballot was a part did exercise a valuable influence in maintaining order and tranquillity during contested elections. He came now to South Australia, and here he had to complain of his hon. Friend who had quoted Sir James Fergusson’s Report as unfavourable to the Ballot, on the ground that there was such apathy in the colony that the Ballot was not put to a fair test. But what did Sir James Fergusson say? Though Sir James Fergusson did not think the test complete in the colony over which he ruled, he was so far convinced of its value that he believed—

“If trying times were to come, the evils of corruption and intimidation would be mitigated if not prevented.”

[“Go on!” and “Order!”] He was perfectly ready to read on; but he would submit to hon. Gentlemen who invited him to do so, that he was not in the habit of endeavouring to produce a false impression. Sir James Fergusson went on to say—

“That it must be remembered that, few as were the opportunities which that system afforded for the entrance of such evils, it could not be said as

yet to have felt the strain of trial or to have brought to bear upon it the ingenuity of zealous and unscrupulous persons.”

[*Opposition cheers.*] Precisely so; he agreed in that opinion; but it was not at all inconsistent with the statement that, in more troublous times, the evils of corruption and intimidation would be prevented by the Ballot. But what said Mr. Baker, the Attorney General of South Australia, a still more important witness than Sir James Fergusson, from his greater experience? He said—

“Bribery, as the word is understood in England, is unknown. Treating and conveying electors to the poll have been resorted to to some extent, and one Member has been unseated for that conduct.”

Mr. Baker concluded in this way—

“Few persons, if any, could be found in this colony who would advocate a return to the old system of open voting, and some of the most strenuous opponents of the introduction of the Ballot would now be found among the opponents of such an alteration.”

And such, he believed, would be the case with hon. Gentlemen opposite, when they had some experience of the working of the Ballot. He came next to the colony of Tasmania. Governor Du Cane said that, taken in conjunction with the system of nomination by writing, it secured perfect order and tranquillity during the election, and permitted every voter to record his vote for the candidate of his choice without intimidation or fear of violence of any kind. Governor Du Cane went on to say that if party spirit ran high, and a wealthy candidate were determined to spend money corruptly, the system of absolute secrecy in force would not prevent his doing so, but would tend only to throw difficulties in the way of his subsequent detection. But, in the last paragraph, Governor Du Cane asked only for some arrangement which would make a scrutiny possible, so as to bring to light any act of bribery or corruption. The memorandum of Mr. Wilson, Prime Minister of Tasmania, was most important and interesting, because most appropriate to the present discussion. Mr. Wilson said that the Legislature had provided sufficient preliminary precautions against personation to ensure the rejection of any unqualified claimant; that bribery, treating, undue influence, intimidation, &c., were dealt with in some highly penal clauses; and that any Ballot paper marked otherwise than by striking out

the name or names of the candidates, or otherwise defacing it, so that it might be subsequently identified, must be peremptorily rejected by the returning officer. It might well be imagined that some few years hence, after the passing of this measure, the statements of Prime Minister Wilson might be made by his right hon. Friend the Member for Shoreham, in conveying to some foreign Government his experience of the operation of the measure. These conditions and results of the Ballot were either admitted or were satisfactorily proved. It was admitted that the Ballot secured peace on the polling-day; it was not denied that it prevented intimidation; it was proved by the evidence from Australia that corruption, bribery, and intimidation had been banished from elections. He admitted that the franchise was a public trust; that the exercise of it was a duty to be performed in public, subject to the control of public opinion; but, while admitting this premise, he differed from the conclusion that had been drawn from it. When they talked of a trust, and of the way in which the faithful performance of it was to be best secured, they must ask and answer the question—What is the real nature of the trust? The hon. Member for Northumberland (Mr. Ridley), in a speech of great thought and ability, to which it was to be regretted that so few listened, said truly that the trust imposed upon the elector was to give an honest and a conscientious vote. The question, therefore, was—Under what conditions did they most enable him, and make it most probable not only that he could, but that he would, conscientiously fulfil that trust? He would not shrink from saying that the franchise was a trust confided to the elector, under a sense of public duty to give a free and independent vote; and, practically speaking, they could not do more to secure the fulfilment of that public duty and trust than by securing the freedom and independence of the voter, by freeing him from the necessity or the temptation of considering what he might lose or gain. As to unmanliness and hypocrisy, he would frankly admit that he resorted with unwillingness to secret voting—that one's first instinct was in favour of open voting, and that a man of moral courage needed to be convinced by an exhaustive process of reasoning before he adopted

the Ballot. But experience proved that the Ballot did not work in the way opponents feared it would; it did not promote cowardice and hypocrisy, but the reverse. It was stated that under the Ballot men did not care to conceal their votes, and the reason was that when, by a system of secret voting, they had made it impossible to intimidate and difficult to bribe, they created in the minds of bribers, as well as of those who might be bribed, a conviction that the thing was useless as well as immoral; the practice stopped, moral courage reasserted its sway, and men ceased to conceal that which was no longer necessary to conceal. Therefore that seeming paradox was a convincing demonstration of the success and of the moral and beneficial influence of the Ballot. He had congratulated the House on the fact that that question was not discussed as a party question, and to his mind it was not a party question. There might be a party vote; it might happen that the majority of Conservatives would vote against the Bill; but there was nothing in the Ballot which was un-Conservative. It would be an eminently Conservative measure; it would protect all those who required protection; it would protect the tenant against the landlord, the workman against the employer; it would also not fail to protect the tradesman against the customer, the workman against the tyranny of his class, and all men who were in minorities against the tyranny of fanaticism and faction. Opinions were changing on the opposite side of the House upon that question, as evidenced in the case of the hon. Member for the Isle of Wight (Mr. B. Cochrane); but he was glad to say that, even on that, the Ministerial side of the House, they were gaining converts. The reason why there were converts was, that in former times there were intelligible reasons and arguments against the Ballot, which swayed many men, but now they had complete evidence of the efficacy of the Ballot. Formerly, its enactment would have made it impossible to rest upon a restricted suffrage, so that it was a Radical measure; but now that the suffrage had been extended, it had become a Conservative measure. It was for reasons such as those—because he believed the efficacy of the Ballot to have been conclusively proved by experience, because he believed the time for its

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adoption had arrived in consequence of the recent large extension of the franchise, and, lastly, because they were firmly convinced that it would not, as some feared, beget cowardice, but would secure freedom and independence in the exercise and performance of a public duty. that they asked the House to enter into Committee on that Bill.

MR. PLUNKET said, he was one of those who wished to stand on those ancient ways upon which the argument against the Ballot had trodden for so long, and upon which the Prime Minister had been content to travel for more than 30 years. As regarded the exact point at issue that evening, he did not think it necessary to argue at present the narrower question as to whether a temporarily secret Ballot would be a desirable measure, because that was not the measure they were now called upon to discuss, for the measure proposed by the Government was an absolute and final secret Ballot. There were two considerations which appeared to him to meet them at the threshold of the inquiry. The first of those was that this measure had never been advocated on any higher grounds than as a choice of evils; the second was that during the 30 years that this question had been before the House and the public the weight of authority up to last year had been most decidedly hostile to this proposal of secret voting. It seemed to him that there never was in the history of this country a time when the evils for which the Ballot was prescribed as a remedy were so few, or when the evils it was calculated to produce were so perilous; that there never was a time when it was so little demanded by the call of justice, as there certainly never was a time when we were so strongly warned against its adoption by the suggestions of prudence. What was the argument formerly urged in favour of the Ballot? It was advocated as a means of checking the bribery and corruption practised by the rich and of putting an end to the intimidation exercised by the powerful. It was said to be scandalous that these evils, which the law forbade, should practically bid defiance to the law, and that immunity from punishment should encourage offenders. That was to a great extent true under the old system of the investigation into corrupt practices. Under the old election Committees witnesses

had to be brought from remote places in England and Ireland, and had to be examined before a Committee composed of men wholly unskilled in such inquiries, and many of whom, moreover, were suspected to have a sympathy, prospective as well as past, in the practices they were called upon to condemn. But all that had now been changed. They had sent down the Judges of the land, men carefully educated and trained to sifting evidence, and they had armed them, moreover, with inquisitorial powers such as were conferred upon no other Judges in this country. To that they had added the infliction of heavy penalties, and the result was that the former seats of corruption and intimidation had become almost completely purified. ["No, no!"] Hon. Members said "No," but he would venture to assert that the testimony of the Judges themselves on this point was likely to carry the greatest weight. Three of the ablest Judges in England were examined before the Committee which sat upstairs in 1869, and he would ask the leave of the House to refer very shortly to the evidence they gave, as exhibiting their experience of the new Act. Baron Martin told the Committee that he had tried 13 petitions, in five of which the Members were unseated. In these inquiries he had not any cases of intimidation. But in answer to the first question asked him—namely, what was his opinion of the amount of corrupt practices which prevailed at the election of 1868, he said—"I have formed a very decided opinion that the general impression with regard to bribery is exaggerated, judging from the cases I tried;" and he adds, shortly afterwards, that in all the 13 cases he tried in which bribery was alleged in only three of them did it exist to any extent, and that it was, in his own language, "in a very great number of cases perfectly ridiculous." He added afterwards that, having gone to these trials expecting to find much difficulty in enforcing his jurisdiction, the direct contrary was the case, and that he believed there was very little perjury attempted before him, and he accounted for this absence of bribery by saying "that persons were much more afraid of this new tribunal than of the old Parliamentary Committees." Next came Mr. Justice Willes. He had rather to deal with cases of intimidation. He tried ten petitions. In

two only of these were the seats vacated—namely for intimidation, and, save in these two, Mr. Justice Willes said there was nothing to make him believe that such practices were common. Mr. Justice Blackburn, the third Judge examined, made some valuable suggestions for improving the method of inquiry—but to such vulgar expedients the advocates of the Ballot would not condescend—but his evidence plainly showed the charges of illegal practices, where they were at all substantiated, were much exaggerated—that, with the exception of Stafford, he did not believe that in any case there existed a much more general system of bribery or corruption than was submitted to him formally. Then, being asked in question 12,013 as to undue influence exercised by people of property over persons dependent upon them, he said that at Oldham he struck off three or four votes on the scrutiny. But that undue influence being alleged in all the petitions,—these were his own words—

“I think in every case it broke down, the evidence being very contemptible; in fact, the cases of intimidation might be fairly said to be frivolous and vexatious, all of them.”

The right hon. Gentleman who had just sat down had said that the Ballot ought not to be resorted to until everything else had been tried and found wanting. But had this new practice been found wanting? The learned Judges whom he had quoted were no party witnesses—they had expressed no views in favour of secret voting; but they had simply placed on record facts which came under their notice, and the opinions they had formed on them, which were worth pages of the Report of the Commissioners, which were stuffed with the evidence of the agents of defeated candidates, aldermen of country towns expressing their opinions on the value of secret voting, and the opinion of editors of local newspapers, which showed on the face of it how much they had exaggerated the evils of which they complained. The change which has been produced has been for the most part the result of the mere threat of this inquiry, for certainly before the old Committees there was no want of zeal in getting up the cases, of industry in carrying them through, or grudging of expenditure in order to insure success. There might certainly be some subtle influences of intimidation, and there might be certain

election evils for which even those stringent inquiries might possibly be unequal; but as far, at least, as the grosser evils were concerned, they had, with the assistance of these tribunals, been effectually dealt with. As far as our experience went, this tribunal had not had a fair trial. There had been but one General Election, and they had not yet had an opportunity of judging of its effect upon the constituencies. He did not deny that in spite of the apprehensions that were entertained relative to the searching nature of the inquiry, there were places where the habits of corruption were so deeply rooted that the constituencies were tempted to repeat them, and the commentary he would make on it was, that the investigations had been such that those places where inquiries took place would not care again to have the electric light of this searching investigation on their practices. One great argument in favour of the Ballot had been removed by the establishment of these inquiries, and the attempt that had been made through them to honestly, thoroughly, and successfully grapple with the grosser forms of bribery and intimidation. A favourite practice of the advocates of the Ballot had been to point to the Irish landlords driving up their tenants to the poll to vote against their consciences, and it was said that if they did not vote as the landlords wished the alternative was the poorhouse or the road. There might have been some foundation for that charge, though there was great exaggeration in respect to it; but, by the Irish Land Bill of last year, that evil had, at all events, been struck down; for if a tenant was now evicted on account of his vote the landlord must pay him compensation. There had also been a great change in public opinion against bribery and intimidation, which were regarded as more odious than formerly, and the influence of that public opinion must daily increase in strength with the daily increasing power of the public Press, which was not over scrupulous in denouncing such illegal practices. He would next call attention to a class of abuses which, so far from being removed by the Ballot, would be aggravated by it. The Bill as proposed by the Government was almost an inducement to personation, and treating would be more than ever prevalent. Moreover,

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wherever there was a class of voters ready to be bribed the facilities for bribing them safely would be enormously increased, for they would be well aware that they were only to be paid according to the result. At present if a man was discovered to be bribed the matter could be traced up to the agent; but under the present Bill such an initiatory step would be rendered almost impossible. There were besides some cases of intimidation which would not be affected at all by the Ballot, such as, for instance, where the object was not to influence the vote, but to deter voters from going to the poll, riots sometimes occurring when a party of Protestants entered a Catholic town, or a party of Catholics entered a Protestant town. He would now call attention to the offences which were classed under the head of spiritual influence and intimidation, and in doing so would endeavour, as far as possible, to avoid saying anything which could give offence in speaking of the spiritual intimidation of the Roman Catholic clergy of Ireland. There were two sources of influence possessed by the Roman Catholic priests. One was of a personal kind, which sprang from the relations between the peasant and the priest, from the intimate relations existing between them, and from friendship and gratitude, for the peasant felt that the priest would stand by him in sickness and affliction. That was an influence to which, when honestly earned, they were justly entitled, provided they did not exercise it in an unjust way. Much as he deprecated the political ends for which it was sometimes used, he must admit that it was generally the ascendancy of education over ignorance, and as such with all similar influences it would be greatly weakened by the introduction of secret voting. But there was another kind of influence exercised by the Roman Catholic clergy of a very different kind, and that was the supernatural appeals which were sometimes made to the superstition of the people. Mr. Justice Keogh, in a decision at Drogheda, put this case, which was not, he said, imaginary—

“Suppose a minister says, ‘If you do not vote in a particular way, and anything happens to you between this time and your reaching your dwelling-house, your immortal soul is imperilled.’”

In such a grave case as that the Ballot would have no effect, for the voter must believe that if he acted contrary to the

solemn warning given by the priest his act would be revealed. Therefore, whatever influence which was not undue the Roman Catholic priesthood possessed would be weakened by the secret voting, and whatever illegal influence they possessed would not be touched at all. He would now turn aside for a moment to consider the argument that the Ballot was necessary in order to protect the Irish peasant from the influence which the priest would exercise upon him in favour of the “Nationalist candidates.” He thought that just now in many instances the priests rather followed than led in that movement, and might perhaps be found not the worst friends of the present Ministry in their struggle against the Nationalists. But if it was sought both to drive them into the adoption of an extreme course in politics, and also to throw them back upon the exercise of supernatural terrors, the way to do so was to deprive them of that natural influence which they had over the people. He had hitherto argued that many of the evils for which the Ballot was formerly prescribed had been grappled with and disposed of by direct measures, and that others were fast melting away under the influence of a daily stronger public opinion, while others would either be aggravated by the introduction of secret voting, or be left wholly untouched. Never before were the evils so small for which the Ballot was supposed to be a remedy, and never before were the evils so great which it would aggravate. The principal argument urged for the Ballot was that the vote was a trust. Now, he did not agree with the definition of that trust given by the right hon. Gentleman who last addressed the House. The true and constitutional view of it was this. The privilege of voting, he contended, was given to the voter, not for himself alone, therefore he must not give it for a bribe or yield it for a threat. It was given to him clothed with a trust for the whole of the rest of the community, and therefore he must be responsible to the community for the manner in which he exercised it. He would not further enlarge on that argument. It had been expressed in the most clear and able way by Lord Palmerston, Lord Russell, Sir Robert Peel, and Mr. Mill. He would rather refer to the manner in which the right hon. Gentleman the First Minister of the Crown had explained his

change of opinion on this subject. When the right hon. Gentleman came down to the House last year to record his conversion, he said—

“At other times, whether rightly or wrongly, we were quite content to hear the question argued as it was argued by Lord Palmerston. Lord Palmerston had paid great attention to the question of the Ballot—at least, he felt a great interest in it. He always spoke upon it with much ability, and he usually founded himself on this view of the subject—that the franchise was to be viewed as a trust, to be exercised by a limited portion of the community for the benefit of the whole, and that the whole community had just the same kind of right to know how that trust was exercised on their behalf by the limited portion of the community intrusted with the franchise, as the public out-of-doors have to know how the power intrusted to their representatives in Parliament is exercised by those representatives within these walls.”—[3 *Hansard*, ccliii. 1029-30.]

And then, having, as he understood the language of the right hon. Gentleman, argued that when in 1868 household franchise was actually conceded to boroughs, there was an admission in principle of household suffrage both in boroughs and counties, he went on to state—

“That being so, I think the first view of the question as it stands is this—that there is no longer, properly so called, a limited constituency acting and exercising a trust on behalf of the whole people; but that the basis on which Parliament desires to found the representative system of the country is a basis not less wide than that of the entire nation, setting aside those who may be subject to positive disqualifications; and, consequently, that the trust which is exercised by the father of a family, or by an adult male, in giving a vote for a Member of Parliament is practically a trust which he holds mainly on behalf of his wife and children, all other persons being presumably entitled to act with him on a footing of equality in giving a vote.”—[*Ibid.* 1031.]

Assuming that to be a full and accurate statement of Lord Palmerston's argument, he asked leave to submit to the House figures to show what, in point of fact, was the extent of this marvellous change in the numbers of the enfranchised as compared with the unenfranchised. He had been obliged to take the numbers from the former Census, not having had access to the new. In 1866 the adult male population of England and Wales was 5,230,573; the number of electors before the Reform Bill of 1867 was 1,056,000, but now it was 2,000,000. Therefore, the condition of the unenfranchised in round numbers was that, whereas before the Reform Bill of 1867 they were 4,000,000, as compared with 1,000,000 electors, now they were 3,000,000 as com-

pared with 2,000,000 electors. If the argument were ever true, solid, and sound, that whilst a large portion of the people were unenfranchised, the remaining portion should exercise their franchise openly and as a trust, he confessed he did not see in what material degree the force of the reasoning had been altered. And when he turned to Ireland, with its £4 rated qualification in towns and its £12 qualification in counties, he asked what practical value was there in the phrase “presumably entitled.” Universal suffrage was the necessary logical consequence. The proper course would no doubt have been to introduce universal suffrage first, and then give Ballot; but the course now recommended was to introduce Ballot first, and then give universal suffrage—which was rather an Irish mode of putting the cart before the horse. But that was not the whole argument. What Lord Palmerston said was quite different. He said, on the 16th of June, 1865—

“But I deny that the vote is a personal right. I say it is a trust. Even if universal suffrage were adopted, it would be a trust which each person would have confided to him for the benefit of the nation.”—[3 *Hansard*, clxxx. 426.]

Therefore, he could not say that the argument of trust, as explained by Lord Palmerston, had hitherto been satisfactorily answered. He had endeavoured to show, on the one hand, that the evils which Ballot was intended to cure had been already otherwise dealt with, and that, on the other, the arguments formerly advanced against Ballot had not been materially diminished. He now asked, what would be the result of adopting this Bill? The practical result would be this—at the time of the election the large influence of public opinion, but which was by no means an undue influence either in a legal or moral sense, and which would otherwise moderate men's passions, would be extinguished. Suppose a General Election took place at a time when there was a question of great public interest and popular excitement before the electors—one of those questions between capital and labour which were at hand, and which would soon become the turning points of electoral contests, did they not think that in the secrecy of the Ballot-box it would not be the wise and more prudent counsels of the best informed that would prevail? The advice listened to would rather be that of those

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who pandered to the prejudices and passions. And if a religious question had to be considered, was it the voice of wise and Christian charity which would be heeded? No; but the voices of those who delivered the most exciting harangues. Of course it was impossible to predict accurately what would be the result of this leap not in—but into the dark. Some people thought it would strengthen one side of the House; some thought it would strengthen the other; but upon one point they were all agreed, and that was that it would make a great change in the position of some hon. Gentlemen. The line was drawn, on the other side of the House, with a terrible rigidity, and whatever else might occur, it was admitted that the Whigs must go. This was very hard upon the Whigs. It was hard that the right hon. Gentleman should call upon them to perform this most crucial test of devotion. They had been his most humble and obedient followers. The right hon. Gentleman never was a Whig himself; but the Whigs had followed him through the Land Bill, which they did not like, and through the Irish Church Bill, which many hated, and now, in the fulness of their strength, in the middle of their Parliamentary life, when they had three years of it still before them, they were called upon, not indeed to perform “the happy despatch,” but, by a kind of penultimate act of self-devotion, to immure themselves for the remainder of their Parliamentary life in the condemned cell of public existence. Consider what they had done: they had been dragged in triumph by the right hon. Gentleman, they had supported his Land and Church Bills, they had proposed Amendments and withdrawn them, they had made speeches and voted against them, and these old Whigs, descended into the arena of their last great fight, they seemed to exclaim with the gladiators of old—

“Ave, Caesar imperator, morituri te salutant!”

He deeply regretted what he saw and knew was coming, for he believed that the great old Whig party had done more than any other, moderately and wisely, for the benefit of this country; but it was an old saying that “misery acquaints men with strange bedfellows.” He believed that the extinction of the Whigs was but a fair forecast and illustration of the result of this mea-

sure. It would have the effect of driving out of election contests many respectable and moderate men, because when they found they were absolutely deprived of all influence, and that their individual votes were swamped by the numerical superiority of those opposed to them, they would take less interest in elections than they did now. He hoped that hereafter, when the Whigs had paid this penalty, and when, perhaps, from the Speaker’s Gallery they looked down upon the better and wiser and more moderate men who had superseded them, they would be consoled with the assurance of their Radical Friends that, although they had destroyed themselves, they had saved their country. It was as well to consider the exact circumstances under which the Bill was introduced, and whether this was a convenient time to make the experiment as a nice balance of evils. He was not speaking of the convenience of the Minister or of the safety of the Administration, but of the character of the House and of the safety of the country; and on this view of the matter the House would permit him to quote a warning uttered in 1838 by Sir Robert Peel, who said—

“In times of perfect tranquillity the Ballot might possibly be merely a delusion. But in times of great public calamity or excitement it might be the instrument of irreparable evil. There might prevail a temporary clamour for war or for peace; unreasonable prejudices with regard to public matters of deep interest; there might be false impressions purposely created by a Government, during the prevalence of which it might be deeply and permanently injurious to the public interest to have a general election, the voters being freed from all control of publicity. The fever of the moment, the popular cry might deaden the influence of reason and the influence of property much more effectually under a system of secret than of open voting. I know it will be said that this implies distrust of the constituent body; that it presumes they are unfit to be trusted with the elective franchise. It certainly does imply that there may be occasions when the public mind is for a season under the influence of prejudice, of passion, of unwise impatience; and that it is for the public interest that a public trust should be discharged under responsibility to public opinion, to that sober public opinion which a few months afterwards will pronounce judgment, subject also to the present control which property and station and more enlightened views may legitimately exercise, and can exercise with greater effect at such seasons of excitement under the present system of voting than under the Ballot.”

—[3 *Hansard*, xl. 1207.]

After this warning the Ballot was rejected by a majority of 117; and was

the warning less applicable in these days of household suffrage than it was in the easygoing times in which it was delivered? Would the Ballot be more or less dangerous than it was then? In Ireland secret voting would, in this sense, now amount almost to a *plébiscite*; and he was astonished at the rashness of the Minister who seized upon this moment to try such a dangerous experiment. He doubted very much whether hon. Members were aware of the feeling which existed just now in Ireland. He could warn the Minister that a terrible commentary was about to be pronounced on the legislation of the last few years. He wished to speak fairly and freely on this subject. He was not, on this occasion, going to find fault with the Land Bill or the Church Bill. He hoped that those measures would, in the long run, produce much good. But time must be allowed, and the introduction of the Ballot at Irish elections just now would create difficulties, and raise obstacles in the way of attaining that good. He was not speaking at haphazard; he knew what he said to be true; and the opinion he expressed was that of many of the ablest and the most experienced men in Ireland, some of whom had sat on the front bench opposite as Members of a Liberal Administration. It was their positive conviction that, Ballot or no Ballot, a General Election in Ireland would be a most dangerous experiment; but with the Ballot the danger would be doubled. Where was it in Ireland that they found the antipathy to this country most strongly? The upper classes were our friends; but as we descended in the electoral strata we came upon "home rule," "Repeal," and "Fenianism." The strongest and the largest and most ignorant part of the population and of the electors were of more extreme views. Was this, then, the time to fling away any wholesome influence in Ireland? And was this the kind of constituency to be intrusted with the Ballot? Of late years the Government had reversed our former Irish policy—but with what arguments, and what language, was the change accompanied? they had disestablished the Protestant Church in Ireland because it was said to be an alien Church; they had transferred a large amount of property from one class to another, because it was said that the terms upon which it

was held were indefensible and often "felonious;" but the people of Ireland, while they admitted the premises, drew a different conclusion. The Irish Roman Catholic lower orders said the Protestant Church was an alien Church, because it was an English Church; that its pastors were, wherever they lived, men whom, as the centres of material prosperity and blessing, they personally loved, but whom, as a class, they hated, because they looked on them as the sentinels of the "English garrison." They agreed also that the tenure on which landed property was held in Ireland was indefensible and often felonious, but that it was indefensible because it was the result of English conquest and tyranny, but added that tyranny commenced with the first English King who crossed the Irish Channel. They accepted the Church Bill with indifference, and though they accepted the Land Bill gladly it was only as an instalment, and their answer to every appeal was that they would never be satisfied until they were masters in their own land, and Ireland was governed indeed by Irish ideas, on the principle of "Ireland for the Irish." And what was the next step taken by the Government. They held Ireland down by a Coercion Bill, which was absolutely necessary as he contended, and besides that they had altogether suspended the Constitution in one part of Ireland, which was viewed as an insult by all those whom they were pleased to call the Irish people; and now they offered the country an irresponsible vote. When they had applied their favourite policy—blown hot and cold—flattered the Irish people first and then coerced them, and then brought the Ballot into operation, he warned the Prime Minister—and it was not his individual opinion—that 60, 70, 80, some said 90 men, would be returned pledged to opinions as strong as those which had been recently heard, by some with wonder, from the hon. Member for Westmeath (Mr. Martin). He wanted to know how they were to govern Ireland under such circumstances? Would the conduct of Imperial business be easy? would the government of Ireland then be possible in such a House? He did not wish to be misunderstood. He had always opposed the Church Bill, both for what it did and for what it threatened; but knowing that this evil has been committed, he did desire to reap

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the good that might follow from that for which so much had been sacrificed, and he hoped that if the absolute religious equality now attained by the Irish Church Bill were fairly, fully, and firmly carried out, great good, he believed, would ultimately result from that principle; and, as to the Land Bill, for the second reading of which he had voted, although he thought certain sections of it bore hardly on the landlords, he also hoped it would ultimately do great good. But for all that, they must have time—quiet and rest from reckless agitation. What he had said probably was as painful to the House to hear as it was for him to speak; but he did not want them to go away under the impression that the gloomy picture he had drawn of Ireland was one without the element of hope. There was one element in Ireland on which, if allowed time to develop, they might build the most sanguine anticipations. Why was it that to offer the Ballot to the Universities would be an insult, and that in Scotland bribery and coercion were practically unknown? Because the Scotch people had long tasted the blessings of education. Would the Prime Minister not give time in England for the Elementary Education Act to produce its natural fruits? Would he not give the great system of national education for some time in operation in Ireland an opportunity of justifying its existence? It was a remarkable feature in the evidence taken before the Committee that in the rural districts of the West and South of Ireland the younger generation of voters could read and write—the elder generation could not write at all; the people were, therefore, in the most dangerous of all positions—they had just enough information to understand and be moved by the maddening appeals that were so sedulously addressed to them, without having sufficient education to understand their opportunities of material prosperity in the present and of real progress for the future. Was this, he asked, the way in which you should endeavour to withdraw the electors from whatever good influences were about them, and expose them ever to the full force of those evil advisers, whose wild appeals to their passions would surely be obeyed if, in the excited moment of an election, ignorant or half-educated electors were called upon to give a secret and irrespon-

sible vote? Was it not melancholy that in Ireland, where material prosperity was advancing with such strides, and which had so many and so great resources to be developed, that the people should ever more be recurring to the miserable past, and brooding over a policy of hate? Would it not be well to give time for them to learn that there was something else in the union between the two countries than that which was evil—that they might have, if they would but be practical and earnest, all that made life valuable in the presence of their industry, and in the future a prospect as bright as the most devoted patriot could desire?

MR. JAMES moved that the debate be now adjourned.

Debate adjourned till Monday next.

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, 23rd June, 1871.

MINUTES.]—*Sat First in Parliament*—The Lord Howard de Walden, after the death of his father.

PUBLIC BILLS—*First Reading*—Prevention of Crime* (207); Metropolitan Building Act (1855) Amendment* (208).

Second Reading—Tancred's Charities* (91).

Select Committee—Locomotives* (130-209), The Earl Cowper and The Lord Ravensworth added.

Committee—*Report*—Pensions Commutation* (123).

Third Reading—Landlord and Tenant (Ireland) Act, 1870, Amendment (193), and passed.

LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT BILL.

(The Lord Cairns.)

(Nos. 185, 193.) THIRD READING.

DEBATE RESUMED.

Order of the Day for resuming the adjourned debate, on the Motion for the Third Reading, read.

Debate resumed accordingly.

And after short debate, on Question, "That the Bill be read 3^a," Resolved in the Affirmative; Bill read 3^a accordingly.

LORD GREVILLE moved the Proviso to which he had alluded on the previous evening—

"Nothing in this Act contained shall be deemed to affect the rights of tenants on estates conveyed prior to the passing of the Landlord and Tenant (Ireland) Act, 1870, under the provisions of the Acts twelfth and thirteenth Victoria, chapter seventy-seven, and twenty-first and twenty-second Victoria, chapter seventy-two."

LORD CAIRNS objected to the clause as unnecessary, and likely, moreover, to be mischievous. The Act of last Session gave existing tenants certain rights without any reference to the manner in which the estates had been dealt with or had come into the hands of the owners; and the only doubt which had been suggested was whether those rights might not be lost or endangered since the passing of the Act by their being unnoticed in conveyances since executed by the Landed Estates Court. The object of the Bill was simply to provide that such rights should not be thereby jeopardized; and to add a clause of a qualifying or cautionary character as to the rights conferred by the Act would raise more doubts than it would allay. He thought the noble Lord's object would be met by a verbal Amendment in the Preamble.

THE LORD CHANCELLOR concurred in the noble and learned Lord's statement. A panic had been created by Lord Justice Christian's judgment, of which there was now an authentic statement, and which was certainly couched in terms extremely unfortunate. No serious doubt, however, had been raised except as to conveyances executed since the passing of the Act.

LORD GREVILLE, after this explanation, said, he would withdraw his Amendment.

Bill *passed*, and sent to the Commons.

THE ENDOWED SCHOOLS COMMISSION—
DR. MORGAN'S CHARITY, BRIDGWATER.
PETITION.

THE EARL OF CARNARVON presented a Petition of certain Trustees of Dr. Morgan's Foundation at Bridgwater against the scheme of the Endowed Schools Commissioners with respect to that Foundation. The Petitioners stated:—In the year 1723, Dr. Morgan, an inhabitant of Bridgwater, founded a charity for the education of 30 boys. One of the strongest provisions of the founder's will was that which insisted upon the scholars receiving an education in accordance with the teaching and

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doctrines of the Church of England as by law established; and he also enjoined that the same principle should apply to the whole management of the charity. Several changes had, however, taken place. At the commencement of the present century, after the passing of the Tests and Corporation Act, the Court of Chancery made a change in the general system of the school; and fresh trustees were appointed; but the Court took particular care that those gentlemen should be members of the Church of England. Later on, in 1857, a scheme was put forth under the authority of the noble and learned Lord the Master of the Rolls. Under that scheme the whole system of the school was carefully revised, but Church of England teaching was maintained as rigidly as before; for the trustees, master, and boys on the foundation were required to be members of the Established Church; attendance at Church on Sundays was enforced, and the whole educational arrangements were subject to the principles of the Church. Under that system he believed the school had continued to flourish; and though no "conscience clause" had been introduced Dissenters had had free recourse to the school, and no complaint of the management had been made. But the Endowed Schools Commissioners had taken the school in hand, and had prepared a scheme which, he regretted to say, created an entire revolution of the will of Dr. Morgan. The scheme, indeed, recited that the schools should be conducted on the principles of the Church of England; but there were no provisions for seeing this. The Governing Body were not to be members exclusively of the Church of England; a portion were to be selected by the Town Council, which included Dissenters as well as Churchmen; no qualification was assigned to the master; the boys were to be entirely free in reference to any particular religious teaching; and, lastly, the Head Master and trustees were to define and settle among themselves what the religious teaching should be. So that, whatever might be the intent of his noble Friend (the Marquess of Ripon) and his Colleagues, this recital of their scheme amounted to a total perversion of and departure from the spirit, if not the letter, of Dr. Morgan's foundation. What were the results of this scheme of the Commissioners? The local privileges

of particular classes who had claims on the charity were swept away; and in this respect he maintained that the Commissioners infringed upon the spirit of the 11th section of the Endowed Schools Act, which provided that in case of local or other privileges due regard should be paid to the educational interests of such classes. Their scheme also contravened the 19th clause of the Act, which provided that no provision should be made respecting religious instruction, attendance at public worship, or the religious belief of the Governing Body, without the consent of the Governing Body—and he doubted whether the trustees had sanctioned this scheme, for the Petition had been signed by a portion of them. The result of this departure from the provisions of the founder's will would be greatly to diminish the teaching and education of the Church of England, inasmuch as the school board at Bridgewater contemplated, in consequence of the proposed change, the formation of a new rate-aided school, where exclusive Church of England teaching would, of course, become absolutely impossible. Had there been any maladministration of the charity—any complaint or reproach directed against its management—there might possibly have been some justification for a change; but the circumstances connected with the charity remained practically the same as they were at the time of Dr. Morgan's decease. He hoped the Commissioners did not adopt the principles laid down by Mr. Hobhouse, who appeared to hold foundations of this nature in slight esteem, attributing to them more harm than good. A man with such opinions was hardly fit to exercise judicial functions in this matter, and the general application of his views would lead to wholesale confiscation. After the experience we now had of Nonconformists and Churchmen uniting to promote the primary education of the poor, he, for one, could not believe that the former, who had a deep interest in this matter of charities, were prepared to lend their sanction to the principles enunciated in the scheme of the Commissioners. The principle was equally applicable to Nonconformist endowments, of which there were a good many in the neighbourhood of Bridgewater. *Proximus ardet Ucalegon*—and unless the Nonconformists united with Churchmen on such a question they

would be the next sufferers. He admitted the necessity of variations from the founder's intentions to meet the altered circumstances of the times; but he objected to those intentions being absolutely set aside, as unjust to the charities and likely to prejudice the cause of education.

THE MARQUESS OF RIPON said, it was impossible under the Act that the Commissioners could have strictly maintained the founder's will with regard to Church of England membership and teaching. He thought the noble Earl had overlooked the provisions of the Endowed Schools Act, which left the Commissioners no option but to open the school to Nonconformists under a conscience clause. On this point they had no discretion. As to the Governing Body, the four members to be elected by the Town Council and the school board might possibly be Dissenters, though he should hope these bodies would see the inconvenience, not to say impropriety, of selecting Nonconformist trustees for a Church of England school; but, even if they did so, the Church of England trustees would always be a large majority. There were six *ex officio* governors, four of whom must necessarily be Churchmen, as they were the occupants of ecclesiastical offices; and six others were named, all members of the Church of England. The latter were to be reduced by death to four, who would be co-opted governors—that was, persons elected by the whole body—and they would, therefore, in all probability, be Churchmen. The noble Earl (the Earl of Carnarvon) had spoken alightingly of the recital; but in his opinion they governed the whole scheme, and no religious teaching could be given except that of the Church of England, Nonconformists parents being able to claim exemption from this for their children. He could not see, therefore, that the Church of England character of the school was superseded. As to local privileges, the only thing which could be done under the 11th section of the Act was to improve the school generally, and it was a great improvement to throw a school open and subject the local scholars to competition with others. No want was so great as that of good schools for the lower portion of the middle classes, and except in exceptional cases endowed schools should not be devoted to primary

instruction. He attached great value to the 19th section; but having, since his return to this country, examined the scheme, it did not appear to him to contravene it. The religious instruction obviously could not be defined in the scheme, unless the Commissioners came to terms with the Governing Body. There must in these cases be difficulties on both sides. The object was to make these ancient endowments as largely useful as possible, and by throwing open the school, though contrary to the intentions of the founder, to all denominations, the Commissioners were simply acting conformably with the Act; while the new Governing Body would give the inhabitants a fair guarantee that the school would be made generally beneficial to the town.

LORD CAIRNS said, that considerable inconvenience would arise from the discussion of this question at the present stage, and that the proper time for raising the question would be when the scheme was laid upon the Table in pursuance of the Act. He also desired to say that a conversation of this kind must not be taken to represent the opinion of their Lordship's House; and that if the question ultimately came before them he hoped one particular view expressed by the noble Marquess (the Marquess of Ripon) would not escape discussion. A great number of educational endowments had hitherto been used for the purpose of primary education in particular localities; but by the Act of last Session there was to be a justification that did not otherwise exist for diverting endowments which had hitherto been properly used for primary education, to promote intermediate education. In particular localities, under particular circumstances, education endowments might be better used for intermediate education than for primary education; but he wished public opinion to be formed on that point, and that not because a Bill had been passed for primary education the public were to lose the advantage of primary education which had hitherto been provided for them wholly or in part through the medium of endowments.

EARL NELSON said, that after what had been stated by the noble Marquess (the Marquess of Ripon) he would not refer to the special scheme that he imagined was before their Lordships. One

general principle appeared to run through all these schemes, but they must be careful to confine endowments to the classes for which they were intended, and as far as could be to the neighbourhood, though it appeared to him there was a risk of their departing from that proper and just arrangement. In this scheme certain advantages were to be given to elementary education, and at first it would appear it was intended to confine it to the class for which it was intended; but he was afraid, after what had been stated, there was a risk of the endowment made for one class being used for the benefit of the class above them—which would be very unjust.

LORD LYTTTELTON said, he did not know what Parliament was likely to do with the various schemes which would be laid before them in the course of this and next year; but if every scheme was to be made the subject of a special debate the time of Parliament would be greatly occupied. In his opinion, the general questions of the relation between endowments and elementary education, of local or other privileges, and the amount of deference to be paid to founders' wills, would be more conveniently discussed this day week, on the Motion of the noble Marquess (the Marquess of Salisbury) respecting Emanuel Hospital. As to this particular case, the new trustees would be guilty of an express breach of trust, for which they could be called to account by a proper tribunal, if they did not take care that the children were instructed in the doctrines of the Church of England. It was true his brother Commissioners and himself had not gone into the details of religious teaching, but had simply provided that it should be given at the discretion of the governors and Head Master; but the general words of the first paragraph governed the whole scheme, and no other religious teaching than that of the Church of England could be given. The Commissioners had only obeyed the injunctions of the Act in admitting Dissenting children as day scholars under a conscience clause; and as to local privileges, they held that the best thing for the educational interests of the class who had hitherto enjoyed the benefits of a foundation—especially in a small place like Bridgwater—was to establish a thoroughly good school, and to throw it open freely to all who could

The Marquess of Ripon

avail themselves of it. With regard to Clause 19 of the Act, the Commissioners held themselves bound to give it a strict construction. The whole tendency and spirit of the Act was, in the view of the Commissioners, to give the largest freedom to the local managers and authorities in the conduct of the school, and especially in respect to its religious conduct. In the Ilminster school case, which was well known to lawyers, the school was held to be strictly a Church of England one, and the Court of Chancery was called upon to re-constitute the school, and to nominate the first Governing Body, and it was asked—as the Endowed School Commissioners were asked in the present instance to do—to lay down the regulation that nobody should be in the Governing Body who was not a member of the Church of England. The Ilminster school was subject to a conscience clause, and the Court of Chancery said it was a question whether a certain portion of the Governing Body should not consist of members of other religious denominations besides the Church of England, and the Court decided that the question should be left open. It might well be that the best plan would be that a majority—and a decided majority—of the trustees should belong to the Church of England, and that there should also be a certain number of Dissenting trustees to watch over the interests of the Dissenting children admitted by law to the benefits of the school. All that the Commissioners said, however, was that they felt themselves bound not to go beyond the terms of the Act in a case of that kind. In Bridgwater there existed ample provision for the elementary education of the poor; and there was a great need for the means of education for the class just above those for whom that education was intended. For that particular class it was now proposed that there should be a church school, teaching the doctrines of the Church of England; and if there was any class which had been more than another withdrawn from the influence of that Church it was that very lower-middle class for which they were providing in this scheme. Without now entering into the question of the effect which ought to be given to the will of the founders, he would only state that the Commissioners were simply bound by the Act of Parliament which

they were directed to administer; and there was no sanctity and no perpetuity attributed to the will of the founders by that Act, except what would be found in the Preamble, in which they were told to carry into effect the main designs of the founders, which were construed to be the putting of a liberal education within the reach of the children, not of any one class, but of all classes. He should be prepared on the future occasion to which he had referred to argue more generally the question of the respect which ought to be paid to founders' wills, as well as various other points which could then be more conveniently dealt with.

Petition ordered to lie on the Table.

PREVENTION OF CRIME BILL [H.L.]

A Bill for the more effectual Prevention of Crime—Was presented by The Lord CHANCELLOR; read 1st. (No. 207.)

House adjourned at half past Six
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 23rd June, 1871.

MINUTES.]—SELECT COMMITTEE—Euphrates Valley Railway, appointed.

Report—Conventual and Monastic Institutions [No. 315].

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Report of Select Committee—Inclosure Law Amendment* [No. 314].

Report—Local Government Supplemental (No. 3)* [178-211]; Inclosure Law Amendment* [32-212].

The House met at Two of the clock.

SUNDAY OBSERVANCE ACT.

QUESTION.

MR. MITCHELL HENRY asked the Secretary of State for the Home Department, Whether, considering the annoyance that is being given to many poor persons by unadvised prosecutions under the Act 29 Charles II., he will bring in a short Act rendering it necessary that for the next year all prosecutions under the said Act shall only be by leave of the Attorney General?

MR. BRUCE: Sir, the Act of Charles II. deals generally with two classes of cases. One of them is that which has lately been the special object of public interest—namely, Sunday trading; the other is the question of labour. The Act is, undoubtedly, in many respects inapplicable at the present time. It is an Act which it is simply impossible to enforce, and it was only retained on the Statute Book because of the good sense with which, on the whole, its provisions had been applied. There is, I believe, a general desire—not, perhaps, quite universal, but very general—that the Sunday should be devoutly observed throughout the country, and I do not think that either Parliament or the country is prepared to dispense altogether with legislation on the subject; but these offences, when they are committed, are offences not so much against individuals as offences against the public sense of decency and order. Therefore, I think that there should be some authority interposed between the common informer and magistrate. Whether the Attorney General is the proper person to interpose in these cases—which are cases of summary jurisdiction before a magistrate—is a matter about which I have great doubt, and it is a resource to which I should only be disposed to resort on being satisfied that there were no other means of dealing with the difficulty. Another course has suggested itself to me, and it is one that I venture to hope may meet with general acceptance by the House. I need hardly say that at this period of the Session no proposal could be brought forward with any chance of success unless it was substantially approved of by hon. Gentlemen on both sides. I have not yet worked out the details of the proposal so completely as to lay it now before the House; but I hope to be able to do so in a few days.

THE QUEEN AND THE POPE.

QUESTIONS.

MR. WHALLEY asked the First Lord of the Treasury, with reference to a statement in the Public Journals that Her Majesty conveyed to the Pope congratulations on the event of his Jubilee, Whether he feels at liberty to inform the House of the terms of such communication?

MR. GLADSTONE: Sir, on the 13th of June an Instruction was addressed to Mr. Jervis, at Rome, to the effect that he was to convey to the Pope, on behalf of Her Majesty, in the usual manner, Her Majesty's congratulations on the anniversary of his accession. I hardly need add that in this communication there is nothing of a political character, and that so far as regards the personal position and dignity of the Pope, who was a Sovereign, but who has been dispossessed of his dominions, which now constitute part of the Kingdom of Italy, it was the feeling of the Government, and I think it will be the feeling of the House, that the duty of expressing personal respect and regard should not only not be omitted, but should be even more sedulously observed than before.

MR. NEWDEGATE: Was the communication made under the powers of the Diplomatic Relations Act of 1848?

MR. GLADSTONE: I am not able to say whether that was so, or whether it might not be perfectly possible to make a communication of this kind without reference to the Diplomatic Relations Act. George IV. contrived to present a portrait of himself to Pope Pius VII. before the Diplomatic Relations Act existed. If it was possible in the past it might be possible again, irrespective of the statute, to convey such a very simple message as I have stated to the House.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LORD'S DAY OBSERVANCE.

OBSERVATIONS.

MR. BRADY rose to call attention to the present unequal enforcement of the Act of 29 Charles 2, c. 7; and to move—

"That this House deprecates the recent attempts to put in force the Act 29 Charles 2, c. 7, and is of opinion that the said Act should be repealed."

The hon. Member was proceeding to speak upon his Motion, when—

MR. SPEAKER: A Notice has been given by an hon. Member (Mr. P. A. Taylor) of his intention to propose, on the 18th of July, the repeal of the Act the 29th of Charles II., and that Notice

having been given some days ago, the hon. Member for Leitrim wishes now to move that this House deprecates the attempt to put the Act of Charles II. in force, and that it is the opinion of the House that the said Act should be repealed. Now, there is a Rule of the House that when a matter has been expressly set down for consideration, no hon. Member can anticipate it by raising a discussion on the subject. I think the course pursued by the hon. Gentleman would be an infringement of that Rule.

METROPOLIS—THE HOUSES OF PARLIAMENT—CONSTITUTION HILL.

MOTION FOR AN ADDRESS.

MR. HAVILAND-BURKE, in rising to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that carriage traffic may have free access to the Houses of Parliament by way of Constitution Hill,"

said, that during the present Session that part of St. James's Park between St. James's Palace and Storey's Gate had been thrown open to carriage traffic, and he might appeal to the general sense of the House that it had been found a very great convenience. The object of his Motion was to complete the thoroughfare from Hyde Park Corner through Constitution Hill, past St. James's Palace to Storey's Gate. He had formerly asked that there might be carriage traffic through the Horse Guards also; but, at the request of hon. Gentlemen, he had postponed that part of the question. If he thought the opening of Constitution Hill to carriage traffic would be the slightest inconvenience to Her Majesty he would be the last to propose it; but the House must recollect that the traffic existed already on one side, from St. James's Palace to Buckingham Gate, and it would be almost impossible that there should be any additional inconvenience from what he proposed. Very great expense had been incurred, which somebody would have to pay, by opening the new road from Piccadilly into Park Lane. That new road would be found to be a great convenience. But one of the advantages of the course which he proposed was, that it would be attended with no additional expense whatever, while the general traffic would be relieved, and the convenience of Gentlemen both in that House and out of it

would be promoted. He begged to move the Address of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that carriage traffic may have free access to the Houses of Parliament by way of Constitution Hill,"—(*Mr. Haviland-Burke*),

—instead thereof.

MR. GLADSTONE said, the subject was one considerably larger than his hon. and learned Friend seemed to suppose. His hon. and learned Friend appeared to think that it was a mere question of allowing certain additional modes of traffic to pass along the road which now existed without a shilling of additional expense. That was not the view of the Government. The present road was of very moderate and limited width, and of very inadequate capacity for horse traffic and carriage traffic taken together. As this was a gravel road, it could not receive any considerable access of traffic without re-construction; and if thoroughfares here and elsewhere were to be opened through the Parks, the question was who should bear the expense? If they were to be altered for the general advantage of the Metropolis to any extent, was the nation to be at the charge of supplying the Metropolis with that portion of its roads? This was a point requiring a good deal of consideration; and as the widening of the road would require some time, it was not a practical question which concerned the convenience of Members of Parliament during the present Session. In the view of the Government the position of the Parks in reference to the Metropolis was a subject which required serious attention. On the one hand, they should not offer an undue and needless obstruction to the traffic of the Metropolis; and, on the other hand, they should be preserved for their great and primary object—the enjoyment of the mass of the people. That was a serious question; and, in the opinion of his Colleagues and himself, it required careful examination with reference to larger considerations than those embraced in the Motion of his hon. and learned Friend. On that ground, and not because the Government were prepared to say there was no case for consideration, he hoped his hon. and

learned Friend would not press his Amendment to a division, for, if so, it would be the duty of the Government to vote for the Speaker leaving the Chair to go into Committee.

LORD JOHN MANNERS said, he would remind the House that the question of making the Parks the medium of carriage traffic had already been referred to a Select Committee, which recommended one alteration—namely, the admission of carriages to the Park by Marlborough House; but, with that exception, were of opinion that the Parks should be jealously guarded against the admission of carriage traffic.

After short conversation,

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 89; Noes 61: Majority 28.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £30,072, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Maintenance and Repair of the Royal Palaces."

MR. AYRTON said, it had been found possible to make a reduction in the item of £15,000 for the drainage works at Windsor Castle. On the other hand, there would be an increased outlay upon Frogmore. The result would be that the total Vote required for Royal Palaces would be reduced from £51,032 to £42,072.

LORD JOHN MANNERS said, he believed that considerable difference of opinion existed with regard to the plan of drainage for Windsor Castle, and asked the nature of the amended plan adopted.

MR. DILLWYN called attention to the expenditure of over £18,000 upon Royal Palaces not in the occupation of Her Majesty. The House would refuse nothing that was required for

the use and enjoyment of Her Majesty; but a large expenditure was incurred in keeping up Kensington and other palaces, which were not used by Her Majesty, and which might be turned to profitable account. Some of them were occupied by Royal and noble persons, but they would doubtless be better pleased with more convenient abodes; some of the palaces might, of course, be regarded as national monuments, and be devoted to national purposes. He therefore simply referred to the matter, in the hope that at some future time the opinion of Her Majesty might be consulted, and a useless expenditure saved to the country.

MR. SINCLAIR AYTOUN said, he thought the right hon. Gentleman the First Commissioner of Works was not warranted in proposing, without Notice, an increase in the expenditure upon Frogmore.

MR. EYKYN said, that very serious difficulty would arise unless the Board of Works carried out a uniform system of drainage at Windsor from the Castle and the town.

MR. MUNTZ said, he had found from experience that the first result of attempting land irrigation by means of sewage was a considerable expense; and the second result was an indictment for a nuisance, together with an application to the Court of Chancery for an injunction. That, at least, was the case in a vast number of towns. He (Mr. Muntz) hoped that the right hon. Gentleman had taken these subjects into his consideration, and he thought that until some plan of sewage irrigation was found by experience to be unobjectionable, it would be dangerous to drain Windsor Castle with a view to irrigation. Eton College was not far from the Castle, and anything which interfered with the sanitary state of the district would be prejudicial to the health of the boys at the College.

SIR COLMAN O'LOGHLEN called attention to the neglected state of some portion of the ground outside Buckingham Palace, and would suggest that the dead wall in front of Grosvenor Place should be replaced by an iron railing.

MR. CANDLISH asked for an explanation of the item of £550 for contribution in lieu of rates, and other hon. Members of other items.

Mr. Gladstone

MR. AYRTON said, he had merely proposed a convenient mode of proceeding; but if the Committee objected to the course and required more detailed explanation, the Vote had better be postponed.

Lord JOHN MANNERS said, it would be unreasonable that the right hon. Gentleman should be called upon to withdraw the whole Vote, merely because an alteration had taken place in the views of the Department with regard to the scheme of diverting the sewage at Windsor Castle. But it would be satisfactory to have more explanations on the Vote.

MR. AYRTON said, as it seemed to be the opinion of the Committee that he should proceed with the Vote, he would give some further information; but he desired it to be understood that he had no wish to take the Committee by surprise. The plan for the drainage works had been provided by a gentleman outside the Board of Works; but, as it was objected to, it was revised at the Office of Works, where there were gentlemen quite as competent to deal with the question as any persons outside. The result was that it was found that the service could be performed in a more skilful and economical manner. Instead of expensive mechanical contrivances being resorted to, advantage would be taken of the natural incline of the ground, and the whole work would be done by gravitation without machinery, while the irrigation would be removed to such a distance from Windsor Park as to relieve the question from all embarrassment. It was for this reason that the Board of Works had been able to reduce the proposed expenditure. Having been a member of the Committee which investigated different projects for the utilization of sewage, he was enabled to say that the proposed scheme was well considered and could be carried out. If the town of Windsor made any proposal to him on the subject of drainage he should be prepared to consider it; but at present no such proposal had been made, and he thought Windsor Castle should rather set the example in diverting its sewage. As to the increased Vote for Frogmore House and grounds, it would be applied to necessary repairs.

Colonel BARTHELOT observed that there were parties practically conversant with the efficient carrying out of drain-

age arrangements, and if competent persons were not employed in the first instance great additional expense would be occasioned. He wished to have an assurance from the right hon. Gentleman that persons properly qualified would be employed in carrying out these complicated arrangements. He also desired to know whether contracts were made for such works?

MR. AYRTON said, that all works of any importance, not being mere repairs, were the subject of special contracts. There was a general contract, the result of tender by competent persons; but in cases of special work not within the limits of the running contract, regular estimates were made and put out to tender.

In reply to Mr. CANDLISH,

MR. AYRTON said, that Holyrood Palace was certainly not in a fit state to enable Her Majesty to remain in it one day on her journey to or from Balmoral, and the expenditure proposed to be laid out in necessary repairs was extremely small.

MR. CANDLISH said, he must object to the item of £550, and moved that it be left out.

Motion made, and Question proposed, "That the Item of £550, for Contributions in lieu of Rates, be omitted from the proposed Vote."—(Mr. Candlish.)

MR. AYRTON said, the contribution had been made in lieu of rates, reserving the rights of the Crown.

MR. EYKYN said, he must defend the item. There was a large area in Windsor which, being Royal property, could not be rated, and an additional burden was therefore thrown on the population. It was only fair that such a contribution should be made towards the rate. It was fully justified by the circumstances.

MR. DILLWYN asked, why the contribution was charged in the Vote before them; whereas it seemed to belong to Vote 22?

MR. AYRTON said, he would give an explanation on the Report, and if he was unable to give an explanation they could deal with the matter then.

MR. SINCLAIR AYTOUN said, that he wished to raise the question of the stud-house at Hampton Court, when

THE CHAIRMAN ruled that he would be out of Order until the Amendment was disposed of.

COLONEL SYKES said, such allowances as that before them should be carefully made; but he thought that in the present instance there were reasonable grounds for sanctioning such a contribution.

MR. RYLANDS said, he thought Windsor had great advantages as a locality, in consequence of the Royal residence and the amount of money that was consequently spent there. But he would advise his hon. Friend the Member for Swansea to be content with the promise that the right hon. Gentleman would give an explanation on this question in the Report.

MR. BAXTER said, the item was not a new one, and that the mistake in placing it in the present Vote was made on the previous year.

MR. CANDLISH, in withdrawing the Motion, expressed his regret that the mistake had been repeated.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. SINCLAIR AYTOUN asked for some explanation as to the expense of the stud-house and paddocks at Hampton Court. They were supported by a Vote on the Exchequer, and he wished to know to what account the produce of the sale of yearlings was carried?

MR. AYRTON said, that under the Civil List Act the external service required for the honour and dignity of the Crown was appointed to be carried on by the Office of Works by Votes in Supply. This particular service was necessary for the establishment of the Sovereign. Her Majesty had a Master of the Horse and a stud of horses. There was also a breeding stud, and an establishment of buildings was necessary for that state of things, and that being so, it was his (Mr. Ayrton's) duty only to see it carried out economically. The subject was one that concerned the Civil List only, for the expenses of Her Majesty's stud being paid out of that fund, the profits, if any, which accrued from the establishment in question must be placed to the credit of that fund. The Office of Works was merely concerned in the repairs of the buildings.

MR. MONK said, he could not see why the country should pay for the ex-

penses of breeding racehorses and hunters for Her Majesty.

MR. GOLDSMID said, he thought that if Her Majesty paid the expenses of her breeding stud herself, that House had no right to tell her that she had no business to keep up such an establishment, nor any claim to have anything to do with the profits that might accrue.

MR. M'LAREN said, he must object to palaces which were not used by Her Majesty being kept up at the public expense for the sole use of persons in good circumstances. Hampton Court Palace, which was never used by Her Majesty, cost the country £6,475, in addition to £2,800 for improving the drainage, and £840 for water. That House ought not to be called upon to vote large sums in order to provide handsome houses for the members of the aristocracy.

MR. SINCLAIR AYTOUN said, that, in his view, the trade of breeding racehorses had nothing to do with the privileges of Royalty, and therefore he begged to move the reduction of the Vote by the sum of £728.

Motion made, and Question proposed, "That the Item of £728, for Hampton Court Stud House and Paddocks, be omitted from the proposed Vote."—(Mr. Aytoun.)

MR. STOPFORD-SACKVILLE said, he hoped no "screws" would get into the brood stud, though that was more than he could say in regard to that House. He was surprised at this wrangle, which had been raised by hon. Members from north of the Tweed, where Her Majesty was accustomed to spend very large sums.

MR. AYRTON said, he hoped that the hon. Member for Kirkcaldy would withdraw his Motion. Whether the balance arising from the breeding and sale of these horses was in favour of or against the Civil List, the matter did not concern the public in the slightest degree, as it was part of a general arrangement which could not be disturbed. He, however, understood that generally no gain resulted from these transactions.

MR. M'LAREN said, he must protest against any hon. Members in that House being alluded to as "Scotch Members." They were all Members of the Imperial Parliament, and had a perfect right to object to any item in the Estimates.

CAPTAIN ARCHDALL said, that, whether Her Majesty chose to make use of the premises in question for breeding racehorses or not, the building itself would have to be kept up at the public expense, and therefore it mattered but little to what purpose it was put. Her Majesty had shown that she was anxious to improve the breed of horses in the country.

MR. FIELDEN could not understand why the item appeared in the Votes at all, and why it was not provided for in the Civil List.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) £76,124, to complete the sum for Royal Parks.

MR. CAVENDISH BENTINCK said, he had to call the attention of the House to the question of the communication, through St. James's Park, between Marlborough House and Storey's Gate. He had brought this question before the House during two or three Sessions, and he had endeavoured to persuade Her Majesty's Government that it would be to the advantage, not only of themselves but of the country, to establish a communication extending across the Ornamental Water. He had good reason to believe that this idea had made considerable progress with the public. He had brought this question before the right hon. Gentleman last year, together with the proposition that a carriage-way should be made from Marlborough House to Storey's Gate. Unfortunately, by a most extraordinary coincidence, the remarks of his right hon. Friend on that occasion did not appear in the authorized version of the debates in that House. The right hon. Gentleman on that occasion, after opposing a proposition for the construction of a carriage-way across the Ornamental Water, referred to the prospect of having to shut up King Street while the Home and Colonial Offices were being built, and said, that in order to relieve the narrow part of Parliament Street from the traffic which would be thrown upon it, and with a view to public convenience, the road from St. James's Street, round the end of the Park to Storey's Gate, would be kept open for private and hired carriages and equestrians. But he (Mr. Bentinck) had found, with considerable surprise, that

the use of that road was limited to Members of Parliament, and that even Her Majesty's Judges were not allowed to pass along it in their carriages. The engagement which the right hon. Gentleman made last year had, therefore, not been complied with, and he now wished to obtain from the right hon. Gentleman some account of the reasons which had induced him to change his intention, and to ask, whether the road would be left open to the use of Members of Parliament during the Recess?

MR. AYRTON said, that what he stated last year was, that Her Majesty was anxious that hon. Members should have every facility of coming to the House for the performance of their duties. If he was understood to have said that the use of this road would be allowed to the public as well as to Members of Parliament that was a misunderstanding. As it was, the relief to the public was considerable, because the public road was not now inundated with traffic at particular hours of the day. If the general traffic were allowed to use the road by way of Storey's Gate, the purpose for which the arrangement was made would be defeated, as an obstruction would be created, which would prevent Members of Parliament from getting to and from the House with the least possible delay. When the Session was at an end there would be no obstruction in Whitehall or Parliament Street, and therefore there would be no necessity for keeping this road open to Members of Parliament during the Recess.

SIR COLMAN O'LOGHLEN said, his recollection of what had occurred entirely bore out what had fallen from the hon. Gentleman (Mr. C. Bentinck), whom he had congratulated at the time upon having succeeded in his object. He hoped the road to Storey's Gate would not be closed, but, on the contrary, that it would be thrown open to the public at large, in the same way as the road from St. James's Palace to Buckingham Gate. He had voted in the minority with respect to Constitution Hill; but he trusted that, at a future time, Constitution Hill would be thrown open. He would like that the expense of making the new road to Storey's Gate should be given, as the Prime Minister stated that if Constitution Hill were thrown open the cost would be a great deal.

MR. CAVENDISH BENTINCK observed that the right hon. Gentleman the First Commissioner must have forgotten what had occurred on the occasion referred to. In order to freshen the right hon. Gentleman's memory, he would read the Notice which he had given. It was to ask the First Commissioner of Works, Whether any steps had been taken with a view to establishing a communication for public carriages between St. James's Street and Storey's Gate, through St. James's Park? At the same time, he commenced his observations by suggesting that a public carriage-way should be made across the Ornamental Water in St. James's Park, which he pointed out would effect a saving of 500 yards between St. James's Palace and Storey's Gate.

MR. SCLATER-BOOTH said, he had always objected, and always would object, against special privileges being given to Members of that House. He did not believe that any hon. Member wished for any special privileges for himself which were withheld from the public. That the road in question should be assigned exclusively to Members of Parliament would be highly objectionable.

MR. ALDERMAN W. LAWRENCE said, he quite agreed with hon. Members who, having found this road such a convenience to themselves, wished to extend the benefit to the public. When they saw that the carriage traffic ran so easily and smoothly between Pall Mall and Buckingham Gate, there could not be the slightest reason why it should not run as easily over Constitution Hill to Storey's Gate. He believed there was no other city in Europe where the public Parks were so closed to the public as here.

MR. J. HARDY recommended that a carriage-way should be opened over the bridge in the ornamental part of St. James's Park. He did not know with whom it would interfere, and it would be really the proper way of adding to the convenience of the public.

SIR GEORGE GREY remarked that one part of the road to Storey's Gate was extremely narrow, and would not suffice for the traffic, if opened generally to the public. The public, however, had a right to be considered in the matter, for the streets of London were too narrow for the traffic which, owing to the great ex-

tension of the Metropolis, was daily increasing. Anyone who went into Piccadilly or Bond Street in the afternoon would find this to be the case. It would be the greatest possible convenience if the road from Pall Mall were continued over the Ornamental Water in St. James's Park, and it was only by that means that the public could have the convenience to which they were entitled, and which the hon. Member for Whitehaven had asked for.

MR. BAILLIE COCHRANE said, he remembered the late Lord Llanover stating, at the time the bridge was built, that he was so deeply impressed with the necessity of having such a thoroughfare that the bridge was made of a strength sufficient to allow of the additional traffic.

MR. GOLDSMID maintained that if they opened a road over the bridge they would very much damage the appearance of the Park, and would cut up one of the prettiest portions of it. No expense, beyond a trifling sum of £150 or so, would be incurred by allowing the public to make use of the road to Storey's Gate. He hoped Her Majesty's Government would consider whether it would not be possible to leave the road open all the year round.

LORD JOHN MANNERS said, he should be sorry if the Government came to a conclusion all at once on the questions that had now been raised; but he must earnestly press on the right hon. Gentleman not to lose a single day in pulling down the houses in King Street and widening Parliament Street.

THE CHANCELLOR OF THE EXCHEQUER said, he agreed with the noble Lord the Member for North Leicestershire that it would be extremely unwise to come to a hasty conclusion as to the questions which had been raised. He rose merely for the purpose of pointing out that his right hon. Friend had undertaken, on the part of the Government, to give the whole of those matters the most earnest consideration. At present, the questions were quite immature.

SIR HENRY SELWIN-IBBETSON said, that one of the great advantages of opening a road over the Ornamental Water was that it would lead directly to one of the principal stations of the Metropolitan Railway. He could not agree with the hon. Member for Rochester

(Mr. Goldsmid) that it would be a great injury to the beauty of the Park.

MR. AYRTON said, the cost of the road from Storey's Gate to St. James's Palace was not put in the Estimates because the road was made after the Estimates were prepared, but the cost of draining and repairing it was £1,250.

MR. O. B. DENISON said, he would assume that the discussion about Storey's Gate had been brought to a close, and before the Vote about the Parks was put from the Chair, he wished to ask the right hon. Gentleman the First Commissioner about the cost of the police employed in the Royal Gardens? He found the total cost put down at £17,702, but turning to another page of the Estimates, he found the total cost of the establishment of the Royal Parks, including the police, was £26,835. These police, he observed, on looking into the details, came under four heads—first, the superintendents and constables; second, the ranger's establishment, and his constables and keepers; third, the metropolitan police, representing a sum of £8,882; and fourth, night watchmen, £2,765. The other day he had made the modest proposal to the House to restore to the Park some land which he believed belonged to it, and one of the arguments used by his right hon. Friend the First Commissioner was that it would necessitate extra police. Another argument used against him was the cost of taking down the rails and adapting it to the other portions. On turning to another page of the Estimates he found that the cost of re-arranging the boundary of Hyde Park and Kensington Gardens figured in the last year's Estimates for £5,760. He wished to be informed of the details of this enormous Vote; what proportion of the metropolitan police was *bonâ fide* detailed off for the conservancy of the Parks; whether the Parks had the sole control of their services, or whether they were mixed up with the police in the neighbourhood of the Parks; and what was the proportion of the night constables, as it would be a satisfaction and consolation to the people out-of-doors to know, when the argument was brought forward that the present area of the Park could not be added to because of the expense of keeping the police, that the police es-

tablishment was already on a large and liberal scale.

MR. BOWRING complained that the north side of Hyde Park and Kensington Gardens, used chiefly by poor people, was neglected, while large sums were spent on the south side, which was frequented almost exclusively by the upper classes.

LORD JOHN MANNERS asked what progress had been made in putting up the fence in Regent's Park?

COLONEL SYKES congratulated the First Commissioner of Works on a reduction of £19,087 in the Vote as compared with that of last year; but he feared that, from economical motives, the Parks had been lately neglected.

COLONEL FRENCH called attention to the grazing of cattle in Hampton Court Park, at the instance of the Master of the Horse. These cattle gnawed the bark of the trees, and some splendid lime trees had been greatly injured. He had brought this subject under the notice of former First Commissioners, and hoped his right hon. Friend, who was formed of somewhat sterner stuff than they, would take steps to preserve the trees which still remained uninjured.

MR. ELLICE said, the diversion of the Broad Walk in Kensington Gardens had exposed them to the ridicule of every foreigner of taste. That walk was a fine feature in the Park, and formed part of the original design; but it had now been diverted, not in a straight, but in an oblique line, to the Albert Monument, and was a standing disgrace to their national taste. He did not blame the Chief Commissioner, who could not be responsible for all details. But whoever was really responsible ought, if in the public employ, to be dismissed from the service. He might be told that eminent persons had been consulted. If so, who were they? Let their names be made known, so that they might go down in history along with this most miserable blunder. The thing was done, and some beautiful trees had been sacrificed to make that opening; but it must not be allowed to remain a standing reproach to good taste, and he wished for an assurance that during the winter, when the proper time came for transplanting trees, the blunder would be remedied. [MR. AYRTON said, he must call the hon. Gentleman to Order, for the matter in question was

not contained in the Estimates.] To put himself in Order, then, he would move the reduction of the Vote by £448, which was the amount set down for two new footpaths.

MR. AYRTON, in rising to answer the various questions, said, those paths had no connection with the change alluded to by the hon. Member for St. Andrews. The charge for police in Hyde Park was £6,124, besides the gatekeepers and constables; and the whole expense of the establishment, from the ranger downwards, was £26,835. That was a very large establishment, and he should be glad if it could be reduced; but the largeness of the outlay was no reason why it should be added to still further. One reason for that large cost was, that while every municipal authority charged with the control of such places had the power of making and enforcing rules for good order, no such power existed there, and a numerous force of police was, therefore, necessary. As to the alleged neglect of the north side of Kensington Gardens and Hyde Park, suggestions for the adornment of portions of the Park were frequently made to him by persons who appeared to be enthusiastic in the public interest; but, on further inquiry, he generally found that they lived near these particular parts, and in this particular instance the south side of the Park was much nearer to people living on the north side of the Park than it was to nine-tenths of those who came to enjoy it from other parts of London. The object was not to make this side or that side of the Park particularly beautiful, but to keep the Parks generally in a good condition. With regard to Regent's Park, arrangements had been made for changing the wooden fence for an iron railing; but it was now intended to restore the wooden paling, which would cost only £7,000, as against £35,000 for the iron railing, and would be considered preferable by the inhabitants of Regent's Park. The grounds at Hampton Court, which were mentioned as being injured by cattle being allowed to graze in them, were under the charge of the Master of the Horse, who would, no doubt, pay attention to any reasonable complaint. He now came to the question of taste, and he had often remarked that, while they spoke with some amount of diffidence on all other subjects, there was this peculiarity with regard to

Mr. Ellice

a matter of taste, that every hon. Gentleman thought that anyone who differed from him was profoundly ignorant of the whole subject. This arose from the fact that taste was often confounded with the impulses of the feelings, and those who were carried away by emotions did not allow themselves to believe that anybody could have emotions different from their own. He was bound to say that he accepted the entire responsibility of everything done with respect to Kensington Gardens, and, therefore, he was content that all the observations, however caustic, made on the matter of taste should be applied to himself. At the same time, the difficulties which had arisen in this case were not of his creation. He took office under unfortunate circumstances in reference to the Albert Memorial, because his predecessors in office had consented and advised that it should be placed in the place where it stood, but did not at the same time accept the responsibility of the advice they gave. When he came into office he found the Memorial, which was a wonderful work of art, absolutely growing up right in the midst of a jungle, and close to that work of art it had been decided that there should be a huge structure in a different style. The principle on which the Board of Works had to proceed, in conformity with the wishes of the House, was to destroy as little as possible of the plantations in Hyde Park, and to harmonize what was left with the Memorial without entailing any considerable expense. The Prime Minister having given a pledge that no further money would be expended than the grant voted to Her Majesty, the House would have a right to complain if any greater expenditure had been incurred. The question then arose as to what was to be done with the trees which intercepted the view of the great work of art, and the result was that many trees had been cut down; but all that would bear removal had been removed. As the Park was originally laid out, there was a number of radiating alleys, and one of them came down near the Memorial, producing a grotesque effect, and making the Memorial appear like something put on one side without regard to general harmony. In re-arranging the paths, it was impossible to prevent something from being oblique, and in reference to the path which had been alluded to some persons took a

different view from the hon. Gentleman the Member for St. Andrews, and objected to it as not being oblique enough. However, if they entered upon these matters of taste, they might discuss them not for one day, but for several days. The matter was one of difficulty, and had not been decided inconsiderately.

MR. ELLICE said, he was sorry to hear what had fallen from the right hon. Gentleman; but he would not persevere with his Motion for reducing the Vote. Some day or other, no doubt, the defect to which he had drawn attention would be removed.

Motion withdrawn.

COLONEL SYKES said, he could not help regarding what the right hon. Gentleman called obstructions as the real attractions of the Parks. The cutting down of trees was decidedly in bad taste. There was a large sum disbursed by the Secretary to the Board of Works, and he should like to know who he was.

MR. MACFIE expressed a hope that some practical advantage would be derived by the metropolis of Scotland from the visit of the right hon. Gentleman the first Commissioner of Works. There was not a city in this country, or, indeed, in Europe, whose scenery possessed such noble and commanding features as Arthur's Seat and Salisbury Craigs, with Ben Lomond in the distance, yet Holyrood Park had not a footpath or carriage drive. He thought some portion of the Vote might be applied there with advantage.

MR. CUBITT called attention to the expenditure of £421, put down for widening the horse-ride between Alexandra and Albert Gates. Considerable inconvenience was suffered by pedestrians. The great nuisance was the barracks, which still remained, although a hope had been held out that they were about to be removed; the footpath passing by them was in a disgraceful condition.

MR. AYRTON said, with reference to Holyrood Park, that directions would be given to plant a belt of trees so as to screen off the houses on the town side of the Park. That was all it required.

MR. ALDERMAN W. LAWRENCE called attention to the necessity of securing an entrance to Richmond Park by Roehampton Gate, and recommended that the property of the lady with whom

the Government had been some time since in treaty on the subject should be purchased by them. The land not required for the road could be turned to other uses.

MR. AYRTON said, he could give the assurance that the gate would be made and maintained, but the difficulty was about one mile of road through the Wandsworth district. If the local boards of the Metropolis neglected their duty in applying the proper expenditure for the improvement of their roads, the Government could not undertake to make or maintain them at the public expense. He would take that opportunity of saying, in reply to the hon. Member for the West Riding (Mr. C. Denison), that the Returns for which he had asked in reference to the employment of the police should be supplied.

MR. BAILLIE COCHRANE said, he hoped something would be done to remove the inconvenience, which was especially complained of by residents at Richmond.

Vote agreed to.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £99,017, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Maintenance and Repair of Public Buildings and Monuments; for providing the necessary supply of Water; for Rents of Houses hired for the temporary accommodation of Public Departments, and Charges attendant thereon."

MR. G. BENTINCK called attention to the fact that the Chancellor of the Exchequer was absent during the debates on the Estimates, and that his place was occupied by no Member of the Government who was able to enter into the details of the Votes.

MR. HERMON moved to reduce the Vote by the sum of £2,000 in reference to the following items:—The Civil Service Commission, for the erection of additional examination rooms; the Paymaster General's Office, for the erection of two additional pay rooms; and the Admiralty Registry, for preparing rooms, &c., in No. 10, Godliman Street. He also wished for some explanation with regard to the item for cleansing the tombs in Westminster Abbey, which he thought ought to come under the jurisdiction of the canons of Westminster Abbey.

Motion made, and Question proposed,

"That a sum, not exceeding £97,017, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Maintenance and Repair of Public Buildings and Monuments; for providing the necessary supply of Water; for Rents of Houses hired for the temporary accommodation of Public Departments, and Charges attendant thereon."—(*Mr. Hermon.*)

MR. AYRTON explained, with reference to these items, that in order to carry into effect the determination of that House that public appointments should henceforward be distributed by public competition, instead of by private patronage, it had become essential that the new rooms in question should be erected; that the business of the Paymaster General's Office was carried on in the most miserable and inconvenient building, which imperatively required alteration; and that the Admiralty Register Office was connected with the Court of Admiralty. With regard to the item for cleansing the tombs in Westminster Abbey, he had to state that it was a special question, that the tombs in question were objects of national interest, and that in consequence of Westminster Abbey having been granted by the Crown in the reign of Henry VIII. to the Dean and Chapter, without any stipulation being exacted that the latter should keep the tombs in repair, that duty had fallen upon the country. The tombs in question had become very dilapidated and unsightly, and such steps were being taken as were necessary for their preservation.

MR. CAVENDISH BENTINCK said, he would endeavour to explain the precise state of the case. He apprehended that the tombs to which the Vote particularly applied were those of King Henry VII. and Margaret Countess of Richmond. They were, he believed, the finest tombs in the world, having been executed by a celebrated Italian, a pupil of Michael Angelo, in the 16th century. Not long ago a process was discovered by a man of great ability for restoring the monuments to their original grandeur, and that process was successfully applied to the tomb of Margaret, the Countess of Richmond, and another in Westminster Abbey. Those monuments were in King Henry VII.'s Chapel, and not in Westminster Abbey proper. They were, therefore, not properly in

the custody of the Dean and Chapter of the Abbey, but rather under the dominion of the Crown. It was only reasonable that this small sum of £255 should be granted for the restoration of objects of such national interest.

MR. BAILLIE COCHRANE drew attention to the extravagant sum that was paid for the hire of buildings for public purposes—the principal sum of which equalled £1,500,000, which, if capitalized, would suffice to buy the fee-simple of the buildings in question.

MR. MELLOR asked why the profits derived from showing the tombs were not devoted towards their repair?

MR. AYRTON replied that these profits formed part of the income of the Dean and Chapter, who were not bound in return to keep the tombs in order.

MR. CANDLISH said, he would be glad to know why the Vote for erection and maintenance of Buildings in Scotland, and Probate Court and Registries, had so materially increased over that of last year's Estimate?

MR. AYRTON said, he must explain that the Government, in consequence of strong recommendations from Edinburgh, had consented to expend £2,780 in providing a new Equatorial for the Royal Observatory at Edinburgh. These Votes were also increased by the sum necessary for fitting up part of Somerset House for carrying on business connected with the Probate Court, but more than that amount would be realized by the sale of buildings in Doctor's Commons. As to the item for £1,500 for King's College, Aberdeen, that sum was required for a new class room for the Professor of Moral Philosophy.

THE CHAIRMAN having put the Question,

MR. HERMON said, if it were the wish of the House he would withdraw his Amendment. ["No, no!"]

Amendment negatived.

On the original proposition being put,

MR. MELLOR moved the rejection of the item £255 for the cleansing and repairing the Royal tombs in Westminster Abbey.

THE CHAIRMAN ruled that the Motion could not then be put.

MR. C. B. DENISON observed that there was an item of £2,586 for maintaining, watering, cleansing, and light-

ing Westminster Bridge, being an increase this year of £197 on that item. He wished to know why that House was called upon to maintain, water, cleanse, and light Westminster Bridge?

Mr. AYRTON said, this bridge was built by the nation. Certain estates belonging to the bridge were vested in the Commissioners of Works. The arrangement was one which resulted from the carrying out of a scheme undertaken many years ago for the improvement of the neighbourhood of the Houses of Parliament. The duties of the Commissioners were transferred to the Office of Works, and the duty of keeping up the bridge thus devolved upon the Government.

Mr. A. JOHNSTON asked, whether there was any agreement between the Office of Works and the Metropolitan District Railway Company, under which that company could be compelled, within a reasonable time, to erect suitable buildings in the neighbourhood of the Houses of Parliament in place of their present unsightly buildings?

Mr. AYRTON said, that property belonging to the Westminster Bridge estate was sold to the company; and he believed the only obligation imposed upon them by the purchase deed was, that the elevation of any building they might erect should be sanctioned by the Office of Works, so that nothing unsightly should be built in the neighbourhood of the Houses of Parliament.

Mr. RYLANDS said, he thought that as the respective Motions of the hon. Members for Ashton-under-Lyne (Mr. Mellor) and Preston (Mr. Hermon) were dissimilar, it was competent for the hon. Member for Ashton-under-Lyne, who objected to the item of £255 for cleansing and repairing the Royal tombs in Westminster Abbey, to move a reduction of the Vote by that amount. It appeared that the authorities of the Abbey took fees for the inspection of these tombs, but refused to pay anything for keeping them in repair.

Mr. HERMON disclaimed any intention of moving to reduce the charge for the repair of the monuments.

Mr. AYRTON said, he did not propose this Vote until he had satisfied himself that he could not compel the Dean and Chapter to undertake the service. They were not responsible for the Royal monuments.

Mr. CAVENDISH BENTINCK thought there was a misapprehension in the mind of the hon. Member for Warrington on this as on many other subjects. The Dean and Chapter were making arrangements to abolish the "tomb money," and last year they commenced this reform by throwing open the Abbey to the public every Monday.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(4.) £10,500, to complete the sum for Furniture in Public Departments.

Resolutions to be reported.

(5.) £60,650, to complete the sum for Acquisition of Lands (New Palace at Westminster).

Motion made, and Question proposed,

"That a sum, not exceeding £23,078, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Buildings of the Houses of Parliament."

Mr. BOWRING said, he was glad to observe that the right hon. Gentleman had effected so considerable a reduction in the charges for gas and fuel for the Houses of Parliament—namely, from £9,033 to £8,261. He should like to know why the vote for the official residence of the Clerk of the Parliaments was this year more than twice as much as last year, and also whether the right hon. Gentleman had made any arrangements for exhibiting the electric light during the sitting of the House?

Mr. CAVENDISH BENTINCK said, he had to complain of an act of gross extravagance on the part of the right hon. Gentleman who had come into office as *par excellence* the economical Minister. When he acceded to office he was possessed with the idea that the most economical method of carrying out the works in the Houses of Parliament would be to employ persons who knew very little about them. He proceeded to dismiss the eminent architect who had previously been engaged on them—an act that had been condemned by the predecessors of the right hon. Gentleman in office, and by everybody in that House. ["No, no!"] Well, by everybody who had given artistic consideration to the subject. Mr. Barry had for a number of years acted as surveyor

of the House, looking upon the office as an honorary occupation, for which he received merely a nominal remuneration. After he was dismissed, however, and his plans appropriated and mangled by the Office of Works, Mr. Barry sent in his little bill, which was to be found on page 15 of the Correspondence, in a letter dated December 9, 1870, and which amounted to £2,287 5s. The Assistant Secretary of the First Commissioner wrote an answer on the 20th of December, stating that he was desired by the First Commissioner to forward a check for £119 odd. The balance, however, was paid to Mr. Barry on the 30th of March, 1871; so that it appeared that the result of the action of this economical Minister was that the country was a loser by upwards of £2,100. He maintained that no buildings of this elaborate character could be economically and satisfactorily managed without a competent architect. If Mr. Barry had been insubordinate or inefficient, it was still the duty of the right hon. Gentleman to appoint a skilled architect as the surveyor of the building. He wished to know whether the right hon. Gentleman intended that the building should remain under the officers of the Department, and whether the £2,300 due to Mr. Barry was included in the present Estimate?

MR. WHEELHOUSE suggested that something should be done to preserve the stone-work, which in some places was manifestly wasting away.

MR. GOLDSMID thought they ought to be grateful to the right hon. Gentleman the First Commissioner of Works for so much diminishing the cost of maintaining the building, and for reducing the Vote by £13,179.

MR. BAILLIE COCHRANE said, he felt with many other Members that Mr. Barry had been very harshly treated. After his and his father's long connection with the Houses of Parliament his removal was very painful, and the right hon. Gentleman had not shown the kindness and consideration which were due to the son of Sir Charles Barry.

MR. STOPFORD-SACKVILLE said, he wished the right hon. Gentleman the First Commissioner of Works would show a little of the *suaviter in modo* as well as the *fortiter in re*. The correspondence with Mr. Barry was, on the part of the Department, most uncour-

teous and uncivil, and in future, when a public Department had to communicate with an architect or a man of science, he hoped language would be used more becoming an English gentleman.

MR. RYLANDS said, he thought the right hon. Gentleman had discharged the duties of his office with great advantage to the public. In dealing with officials it was necessary that Ministers should express themselves in such a way that there could be no mistake as to their meaning.

MR. AYRTON said, the hon. Member for Whitehaven (Mr. C. Bentinck), who had been so severe upon him in respect of his method of conducting Public Business, would form a different opinion on the subject if he had had more experience. He did not, however, attach much importance to the hon. Member's opinion, because he was probably not aware of the circumstances under which Mr. Barry had been dealt with. What had been written to Mr. Barry had been written advisedly, and with a due regard to the public interest. When anyone desired to get a statement of reasons from a Minister for any course he might pursue, it was not desirable to fall into his trap; but he could say—and a perusal of the correspondence show it—there was not a word in any of the letters to justify a single remark made by the hon. Gentleman. ["Oh, oh!"] He defied the hon. Member to point out a single remark; but, as he had said before, the hon. Member's estimate of what had been written did not appear to be of the least importance. Passing to the position of Mr. Barry, he would remark that his services were by no means disinterested. He had been employed to do certain work, for which he had been paid, and he had ceased to be employed, because the continuance of his services would have been inconsistent with the public interest. It was not merely the question of what was paid to Mr. Barry, but a question of the thousands—the hundreds of thousands of pounds which the House was called upon to supply to meet the cost of carrying out his suggestions. There were now no more of these suggestions, and, consequently, expenditure was less. He regretted to say that he was unable to proceed with his reply, because the time allotted to Opposed Business had come to an end.

Mr. Cavendish Bentinck

Resolutions to be reported upon *Monday* next.

Committee also report Progress; to sit again *this day*.

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

EUPHRATES VALLEY RAILWAY.

MOTION FOR A SELECT COMMITTEE.

SIR GEORGE JENKINSON rose to call the attention of the House to the subject of the proposed plan of connecting the Mediterranean Sea with the head of the Persian Gulf by means of a Railway along the Valley of the Euphrates, and the great advantages offered by that line in the enormous saving of both time and distance, and expense for the conveyance of Her Majesty's Mails and Troops, as well as of Passengers, &c. between England and India, thus showing of what vital importance it is to this Country to secure that additional route to or from our Eastern Possessions; and to move for a Select Committee to examine and report upon the whole subject of Railway communication between the Mediterranean and the Persian Gulf. In bringing the subject under discussion before the notice of the House, the hon. Baronet said, he had no interest whatever in, or connection with, any of the commercial enterprises mixed up in this subject. On the contrary, he brought it forward entirely on public grounds, believing it to be of national and European, nay, of world-wide importance. About a year and a-half ago he had the honour to have at his house the company of the Turkish Ambassador, His Excellency Musurus Pacha, who brought before him the subject of a railway from the Mediterranean along the Valley of the Euphrates to the Persian Gulf, and a considerable amount of correspondence subsequently ensued between them, resulting in a letter in which the Turkish Ambassador gave him assurance of considerable advantages which would accrue to England from joining in the

scheme. One of the principal conditions was that the Turkish Government should carry Her Majesty's mails between England and the East entirely free so long as the railway should remain in her possession. Exactly 14 years ago Mr. Sotheron Estcourt, who was then Member of Parliament for the place which he (Sir George Jenkinson) now represented, brought forward the subject. That was in 1857, the year of the Indian Mutiny; and he would point out how vastly important the possession of such a line would then have been to England in the saving of human life, to say nothing of the amount of expense we should have saved if we had had the means of pouring our troops at once into India, with the rapidity which this line would have enabled us to do. In the Crimean War they sacrificed something like £90,000,000; in the Indian Mutiny about £40,000,000; and the expense of the railway would not have been more than £8,000,000 or, at most, £10,000,000. He did not, however, ask the Government to vote money for the purpose of constructing the line, as his hon. Predecessor had done; but all that he asked for was an inquiry into the subject before a Select Committee. The great point for England was to have an alternative route to their Indian possessions. In the event of any complication with a foreign Power the possession of a second route would be most important. Twelve months ago a morning paper stated that, even so long ago as the last century, the Marquess of Wellesley endeavoured to utilize the very route that he (Sir George Jenkinson) was now bringing before the House. In 1834 the question was taken up by the Government, and £20,000 was voted by Parliament for the purpose of exploring the route; and the East India Company voted an additional £5,000, to be applied to the same purpose. Captain Chesney was employed to command the Expedition, which was fitted out to make a survey of that route, and the evidence of that gallant officer was one of the points that he wished to bring before the Select Committee. In 1857 the late Lord Palmerston, speaking of the then projected Canal of Suez, said he considered the scheme to be physically chimerical; that he thought it would not be remunerative commercially; but he added that the main point to which

his opposition was directed was that the Canal would be the first step in the separation of Egypt from Turkey, and therefore the first step in the disintegration of the latter country—a point of very serious importance, and to prevent which European Powers had on more than one occasion gone to war, and especially so lately in 1854. If a man of so great acumen as Lord Palmerston was so misled as to describe as physically chimerical a scheme which had since been perfected and was now in full operation, it was exceedingly likely that other persons might be misled in the present day, when they spoke of the difficulty of carrying out the railway—a proposal for which he now placed before the House. He believed that there were no engineering difficulties in the railway, at least none comparable with those surmounted in the case of the Suez Canal, and that circumstance, he thought, afforded a strong reason why England should endeavour to neutralize an evil—a political evil—which Lord Palmerston anticipated 14 years ago. The line would not be in the least degree antagonistic to or in competition with the Suez Canal. The Canal would still benefit the communication with the southern parts of India, and it would still, probably, monopolize all the heavy traffic. But the new line would be of the greatest importance to the North-west frontier of India, the line of the Indus, and the North-west Provinces, which in the case of an attack from without would stand in most need of a quick communication from this country. He understood that the Government would not oppose the Motion for an Inquiry, and that relieved him from the necessity of going at great length into the details and figures and facts on which he grounded his application, and therefore he would proceed as rapidly as possible with only the general heads of the scheme. This line would save, in round numbers, a week in time between England and the North-western parts of India; it would save at least 1,000 miles in distance; it would avoid the pestilential heat of the passage through the Red Sea; would substitute for it the comparatively easy and smooth navigation of the Persian Gulf; and it would expedite the communication between this country and India by a fortnight for the outward and the home journey, which

for passengers, and the conveyance of letters to and fro, was a most important consideration. It had been urged against this railway that it would not be all in land under the control of the Turkish dominions, as part of it would go through land belonging to independent Arab Chiefs; but the evidence he could bring before the Committee would show that the Arab tribes, if they were fairly treated and subsidized, always performed honourably their engagements, and only acted in an unpleasant manner towards those who tried to pass through their country in defiance of them. If this line were made, both the termini would be on the open sea—a fact which, so far as England was concerned, was of immense importance, because both would be able to be easily protected by England. Were the line established, he estimated that a great saving would be effected, and one transport out of three now plying between Aden and Bombay would be saved, as two passing to and fro from Bussorah to Bombay or Kurrachee would do the work more efficiently, and at a great deal less cost. That would represent a gain of no less than £46,868; and he was informed that, even if the advantageous arrangement with the Turkish Government to which he had alluded should not be carried out as was expected, the transmission of Her Majesty's mails by the railway between the Mediterranean and the Persian Gulf might be effected at a saving of £60,000 a-year as compared with the present cost by the Red Sea route. Eleven days were allowed to the steamers passing between Bombay and Aden, and they were not always regular. But the fleet of steamers now subsidized by the Indian Government on the Persian Gulf, between Kurrachee and Bussorah, would render the same service in five days, would do it with much more regularity, and the comparative danger of accidents might be estimated by the fact that this fleet never had been the subject of one, while, he believed, it was well known that the Peninsular and Oriental Company had sustained great losses, chiefly from the dangerous navigation of the Red Sea. Not only was the distance of 1,000 miles saved, but, as all persons acquainted with those seas knew, during the south-west monsoons, ships on the course of the Peninsular and Oriental, between Aden and Bombay, had to make

a detour of 500 or 600 miles, and therefore there was a much greater economy of distance than even the straight line measurement of the respective courses gave. He did not base his argument on the trade and commercial point of view only, although there could be no doubt that the payment or non-payment of the line, regarded as a commercial speculation, would be far indeed from problematical. In 1869 there was imported to this country from British India 481,000,000 lbs of raw cotton, being more than a third of the whole import, and considerably more than was imported from the United States in the same period. The imports also included 80,750,000 lbs of wool, 10,500,000 lbs of tea; and, from India and Ceylon, 70,000 tons of coffee, these last two being articles which it was advantageous to have conveyed as rapidly as possible, and which therefore furnished an additional reason why the line should be made, if it could be done without risk or injury to the State. The value of the imports from British India last year was over £33,000,000, of which £18,500,000 worth was cotton for the looms of Lancashire; the exports to India in the same period being £17,500,000, of which £10,800,000 represented cotton goods from the same mills. The National Debt of India was £100,000,000, not a third of which was held by Natives; there were other £100,000,000 invested in railways and other public works in India, of which barely £1,000,000 was Indian capital; and this was leaving out of account the large amount of British capital invested in private enterprise connected with the trade transacted by this country in Eastern seas. The trade of India, with England alone, amounted in 1852 to £17,500,000; it had risen in 1862 to nearly £49,500,000; and during the next three years—1863-4-5—it averaged upwards of £66,000,000. Everyone who considered the paramount interests involved in these figures must see the extreme importance of accelerating by a fortnight the passage of mails and travellers between this country and India. Indeed, there could be no doubt that the distance saved would be about 1,000 miles and a week in time each way. The construction of the line, too, was perfectly practicable, according to the testimony of competent men, who had gone carefully over the survey, the only difficulties to be surmounted lying in the

first 90 miles from the Mediterranean to Aleppo, from which last place almost the entire route would lie through a flat country, presenting no obstacles whatever. He wished to express beforehand his acknowledgments to the Government, who had agreed to accept his Motion, and to add that he had no other motive in bringing forward the question than to uphold the honour and safety and prosperity of this great country. He begged leave to move the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to examine and report upon the whole subject of Railway communication between the Mediterranean and the Persian Gulf;"—(*Sir George Jenkinson*),—instead thereof.

MR. T. BRASSEY said, his hon. Friend the Member for North Wiltshire (*Sir George Jenkinson*) had, in his able statement, glanced at all the arguments which could be adduced in favour of the Euphrates Valley Railway, and as he anticipated that the Government would entertain the proposal of his hon. Friend, it was hardly necessary for him to enter upon any further exposition of the merits of the scheme. His hon. Friend had referred to many authorities who had expressed opinions in favour of this railway. If he (*Mr. T. Brassey*) might refer to one additional authority of great weight, he would quote the Report recently presented to that House by Captain Tyler on the best route for the transmission of mails from this country to India. Although that Report was not made with special reference to that particular railway, yet allusion was made to it in the most favourable terms. His hon. Friend had referred to the high estimates of traffic which had been made by those best acquainted with the country through which the Euphrates Valley Railway would pass. For his own part, he must express his belief that those estimates were not in the least degree exaggerated. The total net traffic which had been estimated represented a dividend of 5½ per cent on the capital, which it was expected the railway would require. The estimate of the cost of the line, however, was framed on the assumption that the gauge must necessarily be the same as was usually adopted

for European railways; but it would be possible to reduce the cost by means of the system which had been successfully applied to mountain railways in Norway, and by adopting the Fell system on those parts of the line which presented the greatest natural obstacles. He should be sorry to see this country committed to a subsidy or unconditional payment in support of this railway, as the experience of the Red Sea Telegraph and other enterprises of that kind tended to prove that it was not wise policy for the Government to undertake a fixed payment, irrespective of the performance of certain valuable services. However, if it were proved that the postal and political advantages of the scheme would be very great, he hoped it might be possible to entertain a proposal for sending the mails by this route, on condition, of course, that the service should be efficiently performed. Irrespective of the advantages arising from shortening the period of time expended in communicating with India, and the facilities offered for the transmission of troops, it could not be doubted that it would augment our influence in the East, and enable us to fulfil in a more satisfactory manner than hitherto the task of introducing western civilization into the vast Asiatic Continent.

Mr. GRANT DUFF said, he should save the time of the House if he rose thus early in the discussion to state that the Government had no objection to accede to the Motion if such were the general wish of the House. Indeed, it was the opinion of the Government that as this question of communication by one or other of several proposed railway routes between the Mediterranean and the Persian Gulf had been so long discussed, both in England and India, and as many opinions had been expressed, especially in the latter country, in favour of such means of communication being established, it was high time that the whole question should be investigated, with all the powers of inquiry which that House possessed. At the same time it must be distinctly understood that Her Majesty's Government did not commit themselves even to the proposition that any means of communication by railway between the Mediterranean and the Persian Gulf was in any way feasible; still less did they commit themselves to the opinion that any one of the proposed

routes was either feasible or desirable. They wished to go into the inquiry with their minds absolutely unbiassed. Of course, no one who had given the slightest consideration to this question could doubt that the physical difficulties were very considerable, that the political difficulties were even more considerable, and that the financial difficulties were perhaps more considerable than the others. Still, so many persons of weight had expressed opinions in favour of one or other of these routes that it was at least fair that they should have an opportunity of going before a Select Committee of the House, and of trying to prove that the physical, political, and financial difficulties might be overcome; for most certainly if they could be overcome great advantage would accrue both to England and India.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Question proposed,

"That the words 'a Select Committee be appointed to examine and report upon the whole subject of Railway communication between the Mediterranean and the Persian Gulf' be added, instead thereof."

Amendment proposed to the said proposed Amendment, by inserting, after the word "Mediterranean," the words "the Black Sea."—(*Mr. Grant Duff*.)

Mr. STEPHEN CAVE said, his hon. Friend the Member for North Wiltshire (Sir George Jenkinson) had done good service by bringing this question forward, for it was quite time that a subject so frequently discussed out-of-doors should be considered in the House of Commons. He was glad the Government had granted the Inquiry for which his hon. Friend had asked. His hon. Friend the Under Secretary of State for India had stated that the Government would not be bound to any particular scheme. His hon. Friend confined his proposal to a route between the Mediterranean and India; but it was well known that alternative routes had been proposed, and that the Mediterranean was not the only sea on the shores of which the head of a railway might be placed. By many very competent authorities it was considered that the best place for the head of a railway would be Trebizonde, on the Black Sea, and certainly some port which might be reached from this country with-

Mr. T. Brassey

out a long sea voyage would be preferable to a port in the Mediterranean. The ordinary route by the Danube across the Black Sea to Trebizonde would be a much better route, especially as they had lately spent large sums in connection with the St. George's mouth of the Danube, and guaranteed large sums to be paid by other countries. The Committee would have to contrast the proposed route with the Brindisi route and the Marseilles route. The Marseilles route had been obstructed or in danger of being obstructed, and he should think that both that and the Brindisi route were more liable to be closed than that by the Danube and the Black Sea. If a Committee entered upon an inquiry at all, its inquiry ought to embrace every route from Europe to India. It was of consequence that we should, if possible, secure this alternative route, for we had already learnt how much we were at the mercy of the Peninsular and Oriental Company with regard to the carrying of mails. Some time ago an attempt was made to re-open the contract with the Company, and to obtain a better one, but the Company knew they were masters of the situation. They refused the proposed terms, and there was no alternative but to accept their terms. On that ground, therefore, it would be an immense advantage to have this alternative route. Another reason for inquiry was that the advice of the English Government had already been asked by that of Turkey, which had been applied to by a company for a concession with regard to this very route. Upon many grounds it was important that such an inquiry as was proposed should be undertaken. It was premature to pronounce an opinion with regard to the feasibility of the suggested route; but a glance at the map would show that it was the most direct route between England and India, and when the Government of India had completed the Indus Valley Railway and the Moul-tan, and there was continuous railway communication between Kurrachee and the Punjaub and Delhi, it would be the most direct route to the most important points of India. He believed that Mr. Layard, a most competent authority, considered that there would be no difficulty in making terms with the Arab tribes for the protection of the line. Upon all grounds an inquiry could not fail to be

of great utility. The Government had acted very wisely in complying with the request made, and his hon. Friend had done good service in calling attention to the matter.

SIR CHARLES WINGFIELD said, that the promoters of this scheme had repeatedly asked for the support of the Government, and on one occasion waited on the late Lord Palmerston to seek pecuniary assistance. [Sir GEORGE JENKINSON said, he was not speaking on behalf of any company.] He (Sir Charles Wingfield) considered that it was right to refer to the parties who were bringing this scheme before the public. Lord Palmerston declined to give pecuniary assistance; and in 1857 the promoters asked the Under Secretary of State for India to give a guarantee. Again, so late as 1870, they had requested the Secretary of State for India and the Secretary of State for War to undertake to use the line for the transport of troops. He believed it would be a failure, even if it received that assistance; and, moreover, he must maintain it could never compete with the route through Egypt for the conveyance of merchandise, because it was an accepted fact that through traffic on a long line of railway could never pay, and heavy goods could not bear transshipments. Before the Suez Canal was open only goods of small bulk and great value were sent across the Isthmus by the railway, although the voyage by the Cape occupied 90 days. To show that any expectations of local traffic in the countries which the line would traverse would be disappointed, he would quote the Report upon the tenure of land in Turkey, from the recently published collection of official Reports on that subject, collected for the purposes of the Irish Land Act of last Session. The Report represented that such was the depreciation of land that no creditor would accept a mortgage on his debtor's estate, and that agriculture was waning on every hand. To support a through railway it was necessary not only that a country should be fertile, but that it should be densely populated, and, further, that it should have good roads to facilitate internal communications; but in this instance the country was absolutely destitute of communications, and therefore the enterprise must be financially a failure. He admitted that such a railway, constructed by Eng-

lish capital and managed by Englishmen, would extend our fame and reputation, but, in case of an invasion of India, he did not see what could be effected by means of the Euphrates Valley route. The line through Egypt was quite as much to be relied upon, even if the Canal were not kept open, which it would be; and then there was the alternative route by the Cape, by which we sent out our reinforcements for India in 1857 and 1858, when the Mutiny was suppressed before a single soldier could reach India by the Overland Route. He had the strongest objection to any guarantee or promise being given by our Government, and to our Government allowing its influence to be used in any way to obtain a concession from the Turkish Government. Such assistance led the promoters of enterprises to imagine they had a right to call for interference and help whenever they thought their interests were affected. He knew that European companies in Turkey were engaged in constant altercation with the Government, which they accused of breach of engagement. Further, any official intervention on our part might lead the Turkish Government to imagine that, by granting a concession, they had established a claim to support in case of differences with foreign Powers. The Government had agreed to the appointment of a Committee, but he hoped the inquiry would be limited to the political bearings of the question, to the feasibility of the scheme, and to what advantages would accrue to this country from it. It was not desirable, nor was it competent, for a Committee of that House to enter into the financial prospects of such an enterprise, because as a speculation it should come before the public on its own merits, and not be floated by means of a favourable Report presented to Parliament.

Mr. C. B. DENISON said, he was glad that the Government had granted a Committee, for it was impossible to exaggerate the importance of the question, which had been too long waiting for the opinion of this House. There were physical, political, and financial difficulties, but they could be overcome, and all who took an interest in the matter should have an opportunity of explaining their views before a Committee. He was opposed to the Government giving a guarantee to such a line,

Sir Charles Wingfield

although he must admit there was not a single proposition of the nature of the one under discussion, but had for its basis something of the kind; but he would enter upon the inquiry on other points without prejudice.

Mr. DODSON said, he approved the appointment of a Committee, and was glad to observe that the Motion was wider than the notice by which it was prefaced. The inquiry ought not to be limited to the Euphrates Valley. The impression he had derived from travel was that the Tigris Valley would afford the best route of communication between the Mediterranean and the Persian Gulf. Along the Euphrates Valley there would be but little local trade, because, after leaving Aleppo, the railway would for 700 miles pass through a country in which there was scarcely a town of any importance, whereas by the Tigris Valley route it would first pass some considerable towns, and, on the whole, go through a better district, and one that was inhabited by comparatively peaceable tribes engaged in pasture or in agriculture. Then, again, by selecting the east side of the Tigris it would, to a certain extent, be accessible to the roads from Persia, and, therefore, to the travellers who wished to go to the Mediterranean or the Persian Gulf. Anyone who had travelled, as he had, in Asia Minor must admit that it was a country not favourable to the construction of railways, owing to the difficulty of finding passes through the mountains; but the practicability of such a route was a matter into which the Committee should inquire. He suggested that the Motion might be so altered that the Committee should examine and report not only upon the subject of railway communication between the Mediterranean, but also between the Black Sea and the Persian Gulf. He agreed with the remarks that had been made as to the desirability of having a second line of communication to India, but he hoped the Government would not consent to any proposal of guarantee.

Mr. KINNAIRD said, that the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson) had guarded himself against making any proposal for a guarantee, or suggesting any preconceived scheme; all he asked for being a Committee of Inquiry. He (Mr. Kinnaird) hoped the hon. Baronet would

consent to adopt the suggestion of the hon. Member who had just sat down (Mr. Dodson). It would strike a foreigner as very strange that the Government in acceding to the Motion for a Committee should have thrown so much cold water upon it by doubting the probability of any good arising from the inquiry. The same course was pursued when it was proposed to construct a railway through our own Canadian dominions to Vancouver's Island; but the railway to San Francisco, which had taken its place, was now a prosperous undertaking: and had the Government given the Canadian project any encouragement, Canada might have been greatly benefitted by it. The construction of this railway was a matter that affected the working classes of this country, because England was the workshop of the world; and by encouraging enterprises of this kind, calculated to bring wealth into the country, the Government would do better than by merely offering a guarantee. They ought to take a large view of the interests of this country, as Lord Palmerston would have done. Now, however, only discouragement was offered, a course that he deeply regretted on account of the honour as well as the interests of the country, and yet more on account of the importance of the scheme itself, which he thought no one who had listened to the debate would be disposed to deny.

MR. EASTWICK said, there were many points in favour of the Tigris route, from which there would be obtained a much larger traffic than along the Euphrates Valley. He, however, desired to point out that the route proposed by the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson) had been thoroughly surveyed; but it was not known what difficulties there might be in the Tigris route, and not only that, but it was 300 miles longer than the alternative route. The flatness of a country was not a thing that was a great recommendation in many cases, but in regard to railways it was a most sovereign advantage. Now, the Valley of the Euphrates was perfectly flat, and there was nothing better that could be desired in the matter of levels than those of that route. Having visited various parts of that route, he could state that great facilities existed there for making a good road, and, moreover, one very

important point was, that as soon as one arrived in the neighbourhood of Baghdad the roads were crowded with people flocking to or from the great places of pilgrimage, and he could assure the House that the local traffic from Baghdad to Bussorah would pay. He thought it would be quite impracticable, even in these days, to carry a railway from Trebizonde, because of the difficulties presented by impassable mountains. He regretted extremely that the hon. Member for Gravesend (Sir Charles Wingfield) should have taken so very disparaging a view of this great national enterprise; and he hoped that the proposed inquiry would not be limited to the political aspect of the question, but would extend to all its other bearings. He tendered his acknowledgments to the Government for assenting to the appointment of the Committee; and as the Suez Canal must for ever remain as a stupendous monument of French energy and successful engineering science, so he trusted that the wastes of the Euphrates Valley would not long continue to be a memorial of the lack of corresponding qualities on our part.

MR. WATKIN WILLIAMS said, he must contradict, from facts within his own knowledge, the statement made by the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson), as to the large number of losses that had occurred in the conveyance of the mails from Suez to India by the Peninsular and Oriental Steam Company. Taking a calculation of their amount of tonnage, the number of passengers and of mails which they carried, and the distance that their vessels ran, he maintained that the ships of no company had met with so low an average of losses as those sustained since its establishment by the Peninsular and Oriental Company; and after the remarks which had been made that evening, he thought it was only fair and just that that fact should be stated. The Peninsular and Oriental Company, moreover, insured their own ships, and the profit upon their insurance account was far larger than that of any ordinary insurance company. The losses of that company had been attributable to the extraordinary perils of the navigation of the Red Sea; but now the navigation of the Red Sea had been greatly improved, by the more perfect surveys which had recently been carried out.

MR. SINCLAIR AYTOUN regretted that the Government had acceded to that Motion, because he thought that the consequences might be serious to the country. The fact that Asiatic Turkey contained only 15,000,000 of inhabitants, as stated by Mr. Palgrave, did not afford any promising prospect to the shareholders in the company. The hon. Gentleman the Under Secretary of State for India said that the Government held themselves perfectly free, but he only understood that to apply to their not committing themselves to any particular line, and he did not say that the Government would not give any money guarantee nor any political support to the company. The truth was, that the company did not wish for a Committee in order to obtain information, and their object, no doubt, was to commit the country to a guarantee of some kind. He should object to any money guarantee, but what he feared most was the political complications which we might be involved in. If the Government encouraged the construction of the line, they would then be told that they must use their political influence to support the route. It was said that they could keep open the line through the Arab territory by paying the tribes, but that would be the worst kind of security; and sooner or later they would be led into hostilities with these tribes. Again, there was the danger of the Turkish Empire falling to pieces, and a pretext would be afforded for involving this country in war to support that decaying Power. The safety of their Indian Empire would be better provided for by their looking to the internal defence of that country. When the Mutiny broke out they had on their hands an expedition to Persia, and another to China which left India denuded of troops; and if that line should be constructed their forces would be employed in keeping open the route. He hoped that some Member of the Government would state that the company should not be led to expect any Imperial guarantee or any political support.

SIR GEORGE JENKINSON, in explanation, said, that he had not intended to cast any imputation on the Peninsular and Oriental Company; he had simply stated that they had lost vessels, without intending to make any imputation of any kind.

Question, "That those words be there inserted," put, and *agreed to*.

Question put,

"That the words 'a Select Committee be appointed to examine and report upon the whole subject of Railway communication between the Mediterranean, the Black Sea, and the Persian Gulf,' be added to the word 'That' in the Original Question."

The House *divided*:—Ayes 86; Noes 10: Majority 76.

Main Question, as amended, put, and *agreed to*.

Select Committee *appointed*, "to examine and report upon the whole subject of Railway communication between the Mediterranean, the Black Sea, and the Persian Gulf."—(*Sir George Jenkinson*.)

And, on July 4, Committee *nominated* as follows:—Sir STAFFORD NORTHCOTE, Viscount SANDON, Sir GEORGE JENKINSON, Mr. FREDERICK WALFOL, Mr. EASTWICK, Mr. BAILLIE COCHRANE, Mr. LAIRD, Mr. GRANT DUFF, Mr. KIRKMAIR, Mr. THOMAS BRASSEY, Sir CHARLES WINGFIELD, Mr. HENRY ROBERT BRAND, Mr. M'ARTHUR, Mr. DYCE NICOL, and Mr. KIRKMAN HODGSON:—Power to send for persons, papers, and records; Five to be the quorum.

MR. GLADSTONE said, that out of courtesy to the hon. and gallant Gentleman opposite the Member for Hereford (Major Arbuthnot), whose Motion stood next upon the Paper, he proposed moving again the Order for going into Committee of Supply, that the hon. and gallant Member might proceed with his Motion. But he wished it to be understood that this was not a practice to be regarded as a matter of course, and that it was no part of the arrangement contained in the recommendation made by the Committee, that Supply should be moved on every Friday night. He would again move "That Mr. Speaker do now leave the Chair."

Resolved, That this House will immediately resolve itself into the Committee of Supply.—(*Mr. Gladstone*.)

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—ROYAL ARTILLERY.

RESOLUTION.

MAJOR ARBUTHNOT, in rising to call attention to the state of the Regular Artillery Forces of Her Majesty's Army, both as regards organization and efficiency, and to move—

"That, in the opinion of this House, it is expedient that a complete and searching inquiry be at once instituted into the same by means of a Royal Commission, or such other court of inquiry, as Her Majesty's Government may see fit to appoint."

said he should be most ungrateful if he did not, at the outset, acknowledge the courteous treatment he had received at the hands of the Prime Minister, which enabled him to proceed with the Motion standing in his name on the Paper. He would observe that while he did not think it necessary to vindicate himself, in anticipation, from even the suspicion of being animated by feelings inimical to that branch of the service to which he was proud to say he belonged, and the members of which entirely approved of his course of action in asking for this inquiry, he, once for all, disclaimed any wish to make that Motion the basis of an attack upon the Secretary of State for War, for though he might have to criticize the policy of that right hon. Gentleman in a hostile spirit in some respects, the subject with which he had to deal was of far higher and wider interest than the mere success or failure of any individual Minister. He therefore trusted that hon. Gentlemen would approach the question in no party spirit, but that they would decide according to the validity, or otherwise, of the arguments which he might adduce. He had said that the members of the artillery service approved of this Motion, and he might inform the House that within a fortnight of his having given Notice of it, he received more than 130 letters from artillery officers of high rank, nearly all of whom expressed similar views to those which he held himself. Everyone, he believed, except those hon. Members who were in favour of total disarmament, must desire to see England in possession of a formidable, expansive, well-organized and efficient artillery service, especially after what had happened in the course of the late Franco-Prussian War. The capitulation at Sedan was necessitated by the fact that the French Army were surrounded and hemmed in by a formidable circle of field guns, through which, as admitted by their own generals, it would have been impossible for them to have forced their way without the loss of half their men. And what saved Metz from any capitulation, save that enforced by the pressure of starvation, was the number and dispo-

sition of its heavy guns. But it might be said that we have a force of artillery fulfilling all these conditions. It was because he denied that assertion, because he impugned the efficiency of our artillery, that he stood there to ask for an inquiry. They had heard much during the present Session in praise of the way in which both artillery officers and artillerymen performed their duties. He was quite prepared to endorse all that praise. He would go further. Having seen the artillery of nearly every country in Europe, he did not hesitate to say that both as to *personnel* and *matériel*, we were in advance of any. But there our superiority ended; we were deficient in that without which the most enduring *personnel*, the best constructed *matériel*, were useless—we had no organization; or, what was worse, what organization we had was of an imperfect or faulty description. He would now give the substance of some letters he had received from highly distinguished officers, as he had before stated, which would serve to show how general was the feeling in favour of the necessity for an entire reorganization, and how deeply sensible the writers were of the deplorable state of things which now existed. One most distinguished officer in writing to him complained that nothing could be worse than their present brigade system, and that the artillery wanted, above all, a recognized and responsible head; another declared that no one but an artilleryman could realize the chaos which at present existed; while a third stated that unless something were done the nation would in time of war lose its right arm in the event of war, and that while they now had no efficient artillery organization, the brigade system was one which was galling in peace and would prove disastrous in time of war. He would not trouble the House by referring in detail to the opinions of his correspondents; but in these complaints they all concurred. In his own opinion the artillery service was in a most unsatisfactory condition, and, setting aside such minor details as the appointment and education of officers, the question of promotion, the amalgamation of the English and old Indian artillery, the question of reliefs, the desirability of having a professional head, and the harmonious blending of the Regular with the Militia artillery, all of

which were subjects well worthy of inquiry, and all of which, he might say, were capable of great improvement, there were four simple and practical points connected with it, any one of which, if proved, would, he believed, amply justify him in asking, and the Government and the House in granting, a full and searching inquiry. These four points were—first, the total collapse and failure of the system of organizing by brigades; secondly, the unsatisfactory state of their garrison artillery; thirdly, the inefficiency and inexpansiveness of the field and horse artillery; and, fourthly, the non-existence of any Reserves. For the first two points the Government were not responsible; but in the others, he thought they had committed an error of judgment. The brigade system was originated in April, 1859. Previous to that time a battery, or company, was the tactical unit of the artillery, and a certain number of companies formed a battalion, the commanding officer of which performed merely administrative duties, while the maintenance of discipline was intrusted to the officer commanding at each artillery station. The object which the promoters of the brigade system had in view was, he presumed, to do away with that dual responsibility, and to place both the administration and discipline under the control of one and the same officer. With that view the regiments were re-distributed into horse batteries of five guns, and field and garrison batteries of eight guns, the horse batteries having since been increased to eight guns, and the field batteries to ten guns. At the first blush this was plausible enough; but the result proved that the conflict of responsibility and authority was only intensified, while from the very outset, owing to the size of our Army, the size of our country, and the character of our colonies, the system entirely broke down, and the intention of moving large bodies of artillery from one district to another was found to be impracticable. In 1865, the state of the 4th Brigade proved the absurdity of the system, for that brigade had its head-quarters in England, while it had batteries both in America and New Zealand. Again, in 1866, when the 8th Brigade were under orders for India, one battery was found to be in North America, so that the brigade would either have to go to India with

Major Arbuthnot

one battery short of its complement, or the battery that was expected home from its turn of service in the piercing climate of Canada would immediately on its arrival be sent out to experience the exhaustive heat of India—a most arbitrary measure; or, if neither of those courses were taken, they would have to draft a battery from another brigade. The last course was adopted; and as the officers were drafted from the battery in question, it could scarcely be said that the plan resorted to was the one best calculated to promote the efficiency or discipline of the brigade. To show the estimation in which the brigade system was held one officer had written to him saying it was rotten throughout, and full of absurdities arising from the dispersion of the batteries composing the brigade; another, that there was no use trying to patch it up, but that it would be better to start afresh on a sound and well-considered basis; another said, whenever you have a chance, try and get the brigade system done away with; another, that he should be glad to drive a nail into its coffin; while the last he should bring under their notice said the attempt to carry on, or rather prop up, the system was the sole cause of the confusion that now existed. Having disposed of those testimonies in his favour, he should now pass on to the second point he had selected—the unsatisfactory state of the garrison artillery, which being of a somewhat technical character he should touch on very briefly. That was, in his opinion, the highest branch of the artillery arm of the service, although it was not generally so regarded, most officers preferring to use it merely as a stepping-stone or passage to the field artillery. He thought that officers entering either the field or the garrison artillery should be permitted, as far as possible, to choose the branch which they preferred to join, and that, having joined, they should be encouraged, or, if necessary, compelled to render themselves efficient, and to remain in the service. Passing on to consider the third and most important point—the question of field artillery—the hon. and gallant Gentleman said there had been for some considerable time a growing conviction in the public mind that this branch of the service ought to be maintained in a high state of

efficiency. That feeling first found open expression on the occasion of the Wimbledon Review of last year, when great dissatisfaction was expressed in the Press and elsewhere at the impossibility of a battery being turned out for war service, except by breaking up a second battery, and the Government, instead of taking what would in his opinion have been the wisest course—namely, commencing to form artillery Reserves—proposed to increase the batteries of horse artillery from 172 men and 112 horses, to 218 men and 156 horses; the field batteries to be increased from 170 men and 84 horses, to 182 men and 116 horses. These figures included the depôts; but they had been reduced very shortly before. The officers were naturally delighted with this arrangement, because it enabled them to turn out their batteries in a better manner than they had ever been turned out before, and things went on well until the Franco-Prussian War again raised the question of military armaments, and the feeling of the country reached its culmination when the leading journal, in October last, contended that the Regular artillery should be calculated not merely for the requirements of the Regular Army, but should cover the requirements of both Regulars and Auxiliaries; and that, therefore, it would be no extravagant proportion to provide themselves with a sufficient number of guns to arm 200,000 men, instead of 60,000 men, as Mr. Cardwell boasted. Without going into the question as to the proportionate or aggregate number of guns it would be well to possess, he would point out that, though the right hon. and gallant Gentleman the Surveyor General of the Ordnance stated in replying, on a former occasion, to an observation of the noble Lord the Member for Haddingtonshire (Lord Elcho), that there had been a large increase in the number of guns, the increase was not likely to be very useful, for the reason that an analysis of the figures and facts proved that many of the guns in the depôt batteries were old smooth-bore arms, and that in many instances there existed great deficiencies in the matter of stores, ammunition, and even gunners, there being only those who were required absolutely to take charge of the guns. There were, to begin with, 366 guns, or 61 batteries, inclusive of 30 depôt

guns, old smooth-bore 6-pounders, but without ammunition or gunners. Now, they could not be a powerful addition to the forces of the country. Of the remainder, comprising 336 guns—the actual number of guns in this country—180 guns, or 30 batteries, were old batteries, while 156 guns, or 26 batteries, were either new or converted from garrison batteries, or transferred from a brigade in India. Of these 26, five had—at the time the right hon. and gallant Gentleman the Surveyor General made his statement—barely left India, and the length of time which must necessarily elapse before a battery, arriving for the first time in England, became thoroughly efficient, anyone conversant with artillery matters would know. This left 21 batteries to be accounted for. Of those, 10 had no horses and 5 no guns; of the remainder, some had a few horses, but no harness; others had harness and no horses; while some had a few horses with harness, but no artificers to fit that harness, no rough rider to instruct the men in riding; so that, in point of fact, they were no better off than those batteries which had no horses. He did not quote all these facts for the purpose of discrediting the Government, but in order to show that the batteries had been raised out of elements which were of a very indifferent character, and that the Government would have done better if they had devoted their attention to produce fewer guns of a more serviceable character, and if they had acted upon a rational scheme of expansion such as might be found in a judicious amalgamation with the Militia. At the same time he could not disguise his opinion that the Government might have been candid and given the House more precise information on the subject, especially respecting the difficulty experienced in obtaining horses, of which there was, even then, a deficiency of nearly 2,000, and the protest from the colonels commanding brigades of horse artillery as to the want of sufficient strength in non-commissioned officers and men. Neither he nor any other artillery officer was in favour of large batteries being always kept up on a war strength, but it was highly desirable that their batteries should be expansive. Replying by anticipation to the argument repeated *ad nauseam*, and the validity of which he utterly denied,

that their artillery was as well off, in regard to the number of men, as the Prussian artillery, he would point out that the organization of the latter differed in several important respects from their own, and that the men were not required to do so much work when in the field as English artillerymen. He maintained, too, with regard to another point equally persisted in with the former, and equally erroneous, that by the reductions in the number of non-commissioned officers for instruction and barrack duties; artificers, to repair damages; gunners, for the field artillery, and drivers and men in proportion to the number of horses, their artillery was deprived of that character of expansiveness and elasticity which was so desirable. Passing by the testimonies he had received, all tending to the condemnation of the existing system as utterly useless and inefficient, he now came to the fourth point, as to which he had only to say, that no attempt had been made to show that any Reserve existed at all beyond the *depôt* which, in fact, was no Reserve, but merely a means whereby the batteries serving abroad might be kept up on a peace establishment. Even that small requirement, they were unable to meet, for demands for volunteers were annually made on the batteries at home. In conclusion, he felt bound to dissent from some remarks made by the right hon. and gallant Gentleman, in the speech to which he had before alluded, to the effect that all artillerymen, except horse artillerymen, were interchangeable. If those words implied the old and lamentable system of moving batteries from field to garrison duty promiscuously, he must protest against it. Then, again, it was said that field artillerymen had nothing to mount except the limbers. He would ask, whence came the non-commissioned officers, and had they not to ride? The last observation to which he took exception was, that it was, in his opinion, hardly fair that the whole credit, or the blame, of the late changes, which were certainly not popular, should be attributed to the Deputy Adjutant General of the Artillery, as it had been by the right hon. and gallant Gentleman the Surveyor General of the Ordnance. Was it not patent to all that the Deputy Adjutant General had no choice in the matter, and that that would have been the observation he would have received

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at the hands of the Secretary of State for War, if he had raised any difficulty, or abstained from doing his best to carry out a difficult and unpalatable task. While anxious to express his regret at having occupied the time of the House so long, he could not help stating that the difficulty he experienced had been somewhat increased by the fact, that until that evening, he (Major Arbuthnot) had been under the impression that he was to be met half-way, and that an inquiry of some sort was to be conceded, and he still hoped that the Government would consent to an Inquiry. He did not wish to infer that he had been misled by anything which had fallen from the Treasury bench; and even now, he hoped the Government would act on his suggestion. If, however, they declined to take any steps in the matter, he should feel compelled to take the sense of the House; and he would appeal especially to those hon. Members who were jealous of public expenditure, and ask them to satisfy themselves that they were getting their money's worth for their money. If it were argued that it was not the province of that House to interfere in matters of discipline and detail, he maintained that that was neither the one nor the other, but it was entirely one of organization; and hon. Members owed it to themselves and to their constituencies to leave no stone unturned which would secure the best possible organization in every branch of our forces. If it were said that inquiry would be a slur on the artillery, he had very good reason to know that such an Inquiry as he moved for would be received with satisfaction by both officers and men, who would feel that they had advanced one step towards the attainment of that efficiency of the necessity of which they were so deeply sensible, and the absence of which they so deeply and bitterly deplored. He begged to move the resolution of which he had given Notice.

MR. HEYGATE, in rising to second the Motion, said, that he should do so from the civilian point of view, and without professing any special knowledge on the subject. It was incumbent on that House to see that they had a proper return for their expenditure; and when they were told upon such undeniable authority that there was a want of organization and efficiency in a part

of the service—and an important part—their duty was to institute an inquiry into these allegations. There was, doubtless, every variety of opinion generally on military matters, but he believed that no difference of opinion on the point that a good and effective artillery service was simply indispensable to the Army. Without it, all the other branches of the service, however good they might be, were comparatively useless. Though it might well be that that House was weary of Army debates, it ought not to shirk this subject, and to consider it in no party spirit. He hoped that the Government would not refuse the Inquiry. He observed that an Amendment to the Motion had been given Notice of, under cover of which the Government might escape; but he hoped that the hon. Gentleman (Mr. Seely) would make his Motion an independent one. The evidence that had been adduced by his hon. and gallant Friend the Member for Hereford had clearly shown that Inquiry was required, and he appealed to the House to take care that it should be held.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that a complete and searching inquiry be at once instituted into the state of the Regular Artillery Forces of Her Majesty's Army, both as regards organization and efficiency, by means of a Royal Commission or such other court of inquiry as Her Majesty's Government may see fit to appoint,"—

(*Major Arbuthnot.*)
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR HENRY STORKS said, everyone must admit the importance of the question involved—that of the efficiency of the Royal Artillery. He did not agree with the hon. and gallant Gentleman opposite (Major Arbuthnot) when he impugned the efficiency of the Royal Artillery; but, on the contrary, he believed it to be in a most efficient state as regarded discipline, men, materials, and everything belonging to it. The hon. and gallant Member had stated how the brigade system originated. Before 1859 the organization of the Royal Artillery was by battalions, and the permanent head-quarters were at Woolwich. That arrangement, however, was considered

unsatisfactory; one alleged disadvantage of the system being the undue amount of the permanent Staff at Woolwich, to remedy which in 1859 what was called the "brigade system" was established; and experience had since shown that doubts might be entertained whether that system could not be considerably improved. It was sometimes doubtful whether the system had quite answered; and having personally had some experience of the brigade system in garrison duty, he did not hesitate to say that in some respects it was defective. The next point to which the hon. and gallant Gentleman had referred was the garrison and field batteries, and on that point it might not be amiss if he were, perhaps, to give the result of the progress made during the last few years. In 1805, when Napoleon was encamped at Boulogne with a large Army, threatening the invasion of England, we had 336 guns, horsed and equipped; and, so far as he had been able to ascertain, that was by far the greatest number that had ever been maintained in the United Kingdom. During the many years of peace which succeeded the Battle of Waterloo the field artillery was permitted to fall very low, and it was not until 1852 that it once more assumed any adequate proportions. In 1818 we had 50 guns; in 1819, 22; in 1821, 38; in 1828, 47; in 1848, 60; in 1849, 70; in 1852, 120; in 1855, 114, with 92 guns in the Crimea in addition; in 1856, 180; in 1858, 174; in 1860, 180; in 1870, 180. The late Lord Hastings and Sir Hew Ross, in 1856, at the conclusion of the Crimean War, recommended that 148 guns should be maintained in the United Kingdom, to be expanded to 222 in time of war. The Royal Artillery in the United Kingdom at the beginning of 1870 consisted of 10 batteries of horse artillery, with 60 guns, 2,046 officers and men, and 1,236 horses; 20 field batteries, with 120 guns, 3,656 officers and men, and 1,730 horses; 12 depôt garrison batteries, with 1,441 officers and men; 52 garrison batteries, with 5,200 officers and men; and the Coast Brigade, consisting of 1,542 officers and men, making a total of 94 batteries, with 180 guns, 13,885 officers and men, and 2,966 horses. The Royal Artillery in the United Kingdom, in 1871, it was proposed should be as follows:—16 batteries of horse artillery, 40 field bat-

teries, 12 *depôt* batteries, 35 garrison batteries, and the Coast Brigade, which would give a total of 103 batteries, 366 guns, 18,392 officers and men, and 5,800 horses. Now, the hon. and gallant Gentleman has said that the *depôt* guns were smooth-bore brass guns, and that no doubt was the case; but the guns were not intended for service, and were used only for purposes of instruction for the drivers; but the full equipment of these batteries, as regarded guns, harness, and every other requirement, was ready to be issued at a moment's notice. [Major ARBUTHNOT said, he had asked whether the gunners were also in store?] No, they did not keep gunners in store. The hon. and gallant Gentleman had talked of the want of expansiveness of the field batteries, but he would remind the hon. and gallant Gentleman that in time of emergency there would be 2,627 men in the *depôt* batteries, a portion of whom would be available for foreign service and a portion for home service. If more field batteries were required, the men would be taken from the garrison brigades, and they would be converted into field batteries. At the same time we would have for garrison defence the Coast Brigade; 1,542 old soldiers, comprising skilled non-commissioned officers, 15,000 Militia Artillery, and 37,000 Volunteer Artillery; and the value of the two latter auxiliaries, he believed, would be acknowledged by every hon. Member. In fact, we would be able to put into the field 408 guns, exceeding the Prussian proportion to an Army of 150,000 men. Now, as regarded the peace establishment of field batteries, France had 137 officers and men, and 88 horses; Austria had 109 officers and men, and 37 horses; Prussia had 112 officers and men, and 40 horses; while we had 149 officers and men, and 88 horses, which equalled the Prussian war establishment as regarded men, and exceeded them by one more officer in each battery. Then, too, as regarded non-commissioned officers, we had 14 now to 13 we had in the Crimea, and to 12 in the Prussian batteries. With respect to horses, from inquiries he had made he was satisfied that upon emergency we could purchase 5,000 draught horses in a week or ten days—horses in every respect fit for immediate work. The garrison batteries had been augmented to 150 men, in place of 90. With regard to field guns,

Sir Henry Storks

we shall have, this year, a total of 692, and after taking 336 for field service there would remain 356 in reserve, exclusive of 80 40-pounder guns of position. He did not consider that sufficient, but there was no doubt that the productive resources of the country were such as to give the requisite number within a very short space of time. The Government could produce two batteries a-week complete, and the general trade would be able to supply as many if not more. He would conclude by saying that he was fully impressed with the importance of the artillery as a branch of our military service, and with the necessity of keeping it in a thorough state of efficiency. But he thought that the statement he had made would be satisfactory to the House, and as the attention of his right hon. Friend the Secretary of State for War and of His Royal Highness the Commander-in-Chief was directed to this question, it would not, he believed, conduce to the interests of the service to accede to the Inquiry demanded by the hon. and gallant Gentleman.

SIR JOHN PAKINGTON said, he must say that his hon. and gallant Friend the Member for Hereford (Major Arbuthnot) had called attention to a subject of great importance, and he collected from the observations of the right hon. and gallant Gentleman the Surveyor General of the Ordnance, that the Motion was not an ill-timed one, because that right hon. Gentleman had admitted that the reserve of guns was not so great as was desirable. The right hon. Gentleman had spoken of the brigade system in the most delicate terms, amounting to an admission that it had broken down, and it was impossible to deny that the artillery generally, and especially the field artillery, was not in that state of efficiency in which everyone would wish to see it. He thought his hon. and gallant Friend had stated fair grounds for an Inquiry, and he would vote for the Motion if his hon. and gallant Friend proceeded to a division.

MR. CARDWELL said, that the artillery was very much larger in the number of men than when the right hon. Baronet the Member for Droitwich was responsible for the affairs of the Army, and the number of field guns when that right hon. Baronet was in office was 180, and it was now 336, besides 30 in *depôt*. Therefore the artillery was not in point

of numbers in that deficient state which had been described. The Government, moreover, were this year at an expense of nearly £500,000, adding 5,234 men and 2,894 horses to the artillery. They were also taking steps to make the artillery of the Militia and Volunteers efficient, by providing them with officers of the Royal Artillery. He was anxious for the fullest inquiry on the subject, but he was not prepared to hang the matter up by referring it to a Royal Commission, or to any tribunal which would take it out of the hands of the Government. He deprecated, as a general principle, the habit of referring every executive duty to a Royal Commission, and thereby throwing off the responsibility from those to whom it properly belonged. He did not pretend to have any predilection for the brigade system. The battery was the natural unit of the artillery, and when they went beyond that they got into an artificial system. There had been 12 years' experience of the brigade system, and it was now time to re-consider it, and the Government had no desire to do anything except what was necessary for the good of the service.

MR. LIDDELL said, he was glad that the Government took on themselves the responsibility of inquiry, and were not willing to shift it off to a Commission or a Committee. The artilleryman was the highest trained soldier in the service, and he wished to know what had been done to get a reserve of artillerymen?

LORD GARLIES said, he should have been glad if an explanation had been given of the number of gunners and the equipment of the different batteries. The Government had announced that the present state of the artillery was not entirely satisfactory, and that the subject was under their consideration; he therefore thought, unless they stated to the House candidly that within 10 days they would announce what their intentions were relative to the organization of the artillery, his hon. and gallant Friend the Member for Hereford (Major Arbuthnot) should press his Motion to a division.

CAPTAIN VIVIAN said, he wished to take that opportunity of stating, in answer to his hon. Friend opposite (Mr. Liddell) the state of the artillery reserves. After completing the whole battalions at the full war complement, there would be left 5,000 Artillerymen for the Reserves.

MR. WHALLEY said, there was a question overriding all these military matters, and that was—What special grounds had we for apprehending danger? It appeared to him that the apprehension of danger arose from the agitation of a great question which at the present moment occupied the attention of most of the States of Europe—namely, the declaration on the part of the Pope of Rome—

MR. D. DALRYMPLE rose to Order. He wished to ask Mr. Speaker whether the Pope of Rome had anything to do with the question of the organization of our artillery?

MR. WHALLEY said, he was out of Order, and would resume his seat to rise again when that Motion was disposed of.

COLONEL WILSON-PATTEN said, he understood that the Government acceded to the spirit of the Motion before the House—[Mr. CARDWELL assented.]—and he therefore would advise his hon. and gallant Friend to accept the announcement of the Government, and leave them to make an inquiry into the matter.

MR. A. GUEST said, he hoped the Government would consider the subject of forming an artillery reserve, and also the advisability of having a certain number of heavy guns in reserve, so that they should not have to be manufactured when an emergency arose which required their use.

Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

THE POPE'S JUBILEE.

MR. WHALLEY then rose, amid considerable interruption, to call attention to the terms in which Her Majesty was said to have communicated to the Pope of Rome her congratulations on the fact that he had completed the twenty-fifth year of his reign. At the present moment Europe had before it a question which completely divided it into two belligerent camps, and that was not a time for such congratulations. If the congratulations offered to the Pope had simply been congratulations as to his being in good health after a reign of five-and-twenty years, it would have been another thing, but the peculiar circumstances of Europe gave a special

significance to the mode in which the event had been recognized, for the fact was, there was throughout that country a very strong manifestation on the part of the Roman Catholics in favour of taking an active part towards sustaining the position of the Pope.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after
Twelve o'clock till
Monday next.

HOUSE OF LORDS,

Monday, 26th June, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Owens College* (211); Judicial Committee of Privy Council* (212).
Third Reading—Police Courts (Metropolis)* (125), and *passed*.

Their Lordships met—

Earl de Grey and Earl of Ripon, K.G., having been created Marquess of Ripon—Was (in the usual manner) introduced.

OWENS COLLEGE BILL [H.L.]

A Bill for confirming a Scheme of the Charity Commissioners for the Owens College at Manchester, and for other purposes connected therewith—Was *presented* by The Lord President; read 1^a. (No. 211.)

JUDICIAL COMMITTEE OF PRIVY COUNCIL BILL [H.L.]

A Bill to make further provision for the despatch of business by the Judicial Committee of the Privy Council—Was *presented* by The Lord Chancellor; read 1^a. (No. 212.)

And having gone through the Business on the Paper, without debate—

House adjourned at half past Five o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 26th June, 1871.

MINUTES.]—SUPPLY—*considered in Committee*—Resolutions [June 23] *reported*.
PUBLIC BILLS—*Ordered*—*First Reading*—Sea Coast Fisheries (Ireland)* [216].

Mr. Whalley

First Reading—Betting* [213]; Lunacy Regulation Amendment* [214]; Landlord and Tenant (Ireland) Act (1870) Amendment* [215].
Second Reading—Public Libraries (Scotland) Act (1867) Amendment* [209].

Committee—Elections (Parliamentary and Municipal) (*re-comm.*) [103], *debate further adjourned*; Tramways Provisional Orders Confirmation (*re-comm.*) [197]—*M.P.*; Sale of Liquor on Sunday [48], *put off*.

Committee—*Report*—Promissory Oaths [169]; Public Health (Scotland) Supplemental* [189]; Sequestration (*re-comm.*)* [208]; Local Government Supplemental (No. 3) (*re-comm.*)* [211].

Third Reading—Kingsholm District Boundary* [185], and *passed*.

THE HERRING BRAND.—QUESTION.

MR. MACFIE asked the Under Secretary of State for Foreign Affairs, Whether the Government has determined to decline to enter into any arrangement with the Government of the Netherlands for abolishing the herring brand?

VISCOUNT ENFIELD: Sir, the Government has not declined to enter into arrangements with the Netherlands Government for the abolition of herring brands; but the Netherlands Government has been informed that the question could not engage the attention of Her Majesty's Government this Session in consequence of the pressure of Public Business.

IRELAND—NATIONAL TEACHERS—LABOURERS' HOUSES.—QUESTIONS.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, When he will state to the House the decision of the Government on the subject of the claims of the Irish National Teachers to an improved position and remuneration; and, whether the promised measure to facilitate the erection of labourers' houses in Ireland will be introduced in time to become Law in the present Session?

THE MARQUESS OF HARTINGTON, in reply, said, the most convenient course would be that he should state the intentions of the Government with respect to the claims of the National School teachers to additional remuneration in moving the Irish Education Vote, which would be done probably at the end of this or the beginning of next week. With regard to labourers' cottages, he was extremely anxious to carry a measure to facilitate their erection, and he was not

without hope of being able to introduce it in a short time, so that it might become law during the present Session. He had found the greatest difficulty in the consideration of this question, for, as he understood, it was the desire of many hon. Members that the measure should go considerably beyond that known as Sir William Somerville's Act. Although suggestions had been made very liberally during the debate on the subject, when he came to ask how those suggestions were to be carried out he found that, with the exception of the hon. Baronet himself, hon. Gentlemen were extremely chary in explaining how it was to be done.

ARMY—THE HOUSEHOLD REGIMENTS. QUESTION.

LORD GARLIES asked the Secretary of State for War, Whether he can state how many of the thirty-eight candidates who were examined for commissions in the Household Regiments on the 5th of June last have been reported as qualified; whether he is aware that the conditions for such qualification were materially altered, but a very short notice having been given to the candidates of such intended alteration; whether it has been brought to his notice that the examiners read the portions for dictation with rapidity, and that the candidates were given no time for correction, punctuation, or writing a fair copy before their papers were collected; and, whether in these circumstances he will be prepared to allow the candidates who have failed in passing this examination to have another opportunity afforded them for qualifying within a reasonable period?

MR. CARDWELL: Sir, I am informed that out of the whole number 16 have been qualified. At the examination in July last it was notified that any future examination would be under new regulations. When the present examination was asked for new regulations were issued accordingly. The principal alteration was that some knowledge of one modern language, either French or German, was required. I have not received an official reply to the letter which I have directed to be written to the Civil Service Commissioners, inquiring into the circumstances referred to in the third Question of the noble Lord;

and, of course, it will not be right to presume in the meantime that any miscarriage is to be attributed to them. If the candidate is of the proper age, and has not had three trials, he will be allowed to try again, according to the usual practice; but, until I hear from the Civil Service Commissioners, I must decline to pledge myself to any special permission.

RECEIVER GENERAL OF INLAND REVENUE.—QUESTION.

SIR CHARLES W. DILKE asked, Whether any objection exists to the production of the Report upon the duties of the Office of Receiver General of Inland Revenue; and, whether the noble Lord recently appointed has had any training to fit him for the discharge of any duties which may attach to the office?

MR. GLADSTONE, in reply, said, he was not aware whether his hon. Friend had in view any particular document of an official character to which the name of a Report would apply. [Sir CHARLES W. DILKE: It was alluded to in the recent debate.] At all events, what had happened with regard to the recent appointment was this:—When the vacancy occurred two questions were examined—first, whether the office should be abolished; and, secondly, whether, if an appointment should be made, it was desirable that it should be made from within the Department. It was the opinion of the Chairman of the Board of Inland Revenue that the office should not be abolished, and also that it would not be advantageous to make the appointment from within the Department. The office was one of duty, which might, perhaps, be sufficiently discharged by a gentleman of character, intelligence, and knowledge of business, who was also able to find security for a large sum of money. The noble Lord who had received the appointment had special facilities for becoming acquainted with the duties of the office from his experience as a member of the Board of Treasury when he was himself Chancellor of the Exchequer.

EDUCATION—INDUSTRIAL SCHOOLS. QUESTION.

MR. J. G. TALBOT asked the Vice President of the Council, Whether his attention has been called to the scanty

supply of Industrial Schools throughout the Country; and, whether the Government are prepared to enlarge the powers given by the Industrial Schools Act (1866), so that a "prison authority" may build, as well as contribute to the building of, a certified Industrial School?

MR. W. E. FORSTER said, in reply, that in common with all who took an interest in the question of education, he had had his attention called to the subject; but he scarcely felt qualified to form an opinion how far there was or was not a scanty supply of industrial schools until he should have an opportunity of comparing the results of the inquiry now being made into the state of education generally throughout the country. Power was given by the Act to school boards to build industrial schools, and they were put in a different position from prison authorities. The Secretary of State for the Home Department, to whom the Question ought to have been put rather than to himself, agreed with him in thinking that it would be impossible to introduce this year any amendment into the Act, so as to give other authorities this power, and that the Government would be in a better position next year, when they knew the actual requirements.

THE REVISED STATUTES.—QUESTION

COLONEL TOMLINE asked the First Lord of the Treasury, By what authority two Volumes have been published by the Queen's Printers in 1870 and 1871, purporting to be "The Statutes, Revised Edition, by Authority," from Henry the Third to the tenth year of George the Third; and, if the contents of these two Volumes are now the binding Statute Law of the Land?

MR. GLADSTONE said, in reply, that the circumstances connected with the preparation of these two volumes had been stated in Papers which had been laid on the Table, and in the preface to one of the volumes. They might be briefly given as follows:—It was under the authority of Parliament itself that the work had gone forward. Parliament had no less than three times expressed its desire for the preparation of a revised edition of the Statutes, and measures had been taken accordingly. It was, in fact, with that view that Parliament had been engaged in the task

of repealing obsolete Statutes. The work had been carried down to the tenth year of George III.; it was intended to carry it further, and Bills had been prepared for the purpose. When a certain stage had been reached the Lord Chancellor of the day expressed an opinion that it was desirable to go on with the preparation of the revised edition, and the consent of the Treasury was obtained. The first and second volumes had been produced, and they comprised all the unrepealed Statutes up to the date he had named. The third volume would, he understood, comprise all the Statutes down to the present time.

ARMY—MILITIA OFFICERS.—QUESTION.

MR. J. S. HENRY asked the Secretary of State for War, If it is intended that no Militia Officer for the future shall be appointed a Field Officer unless he has served in a regiment of the Line; and if the rule is to apply to the Militia Officers whose regiments were embodied during the Crimean War and Indian Mutiny, and served side by side with regiments of the Line under the same generals, in Gibraltar, the Ionian Isles, Portsmouth, Aldershot, and other places?

MR. CARDWELL: No doubt, Sir, it is desirable that a fair proportion of the field officers of the Militia should have served in the Regular Army; but there is no intention of laying down a rule that no qualified Militia officer shall be promoted to be a field officer unless he has served in the Regular Army.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (*re-committed*) BILL—[BILL 103.]

(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [22nd June], "That Mr. Speaker do now leave the Chair;" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," —(*Mr. Cross*,)—instead thereof.

Mr. J. G. Talbot

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. JAMES said, that as the subject of the Ballot had been discussed almost annually for nearly 40 years, he should have been content to record a silent vote were it not that he wished to direct attention to some practical questions connected with the matter. He admitted that there was not sufficient abstract superiority in the system proposed by the Bill over the existing method of voting to induce him to support the measure; and he made the concession that those who thought with him on that point, and supported the Bill only as a remedy for existing evils were bound to prove that there was a necessity for the change, to show what the existing evils were, and that the proposed measure was the best remedy for them. He approached the subject with mingled and varied feeling, for, to his mind, when the Ballot became the law of the land, it would be a day of humiliation, and bitter humiliation to the whole nation; not because there was anything humiliating in recording a vote in secret, but because, by adopting this measure, they as a people, confessed that from causes and conduct which ought to be within their control they were compelled to drive the electors of this country into secrecy, and were unable to permit them to record their votes in an open and public manner. He would state why, with some hesitation and doubt, he had been forced to the conviction that it was impossible to avoid adopting the enactments of the present Bill. The corrupt practices existing in the present electoral system were three—namely, bribery, treating, and undue influence; and he was ready to acknowledge that, if there was no other evil but the single one of bribery, he should not be a supporter of the present measure. He believed the Ballot would be the means of destroying that great and grievous evil of bribery; but still if that were the only evil he would leave it to the more natural remedy which had come into action, and which had done much to destroy the existence of bribery. He spoke the almost unanimous opinion of his professional brethren, whom he had consulted, when he said that there had been no General

Election in the memory of man, probably none since the accession of the House of Hanover so free from bribery as the Election of 1868. Increased powers of detection were, no doubt, afforded by the legislation of 1868. Though 111 Members were Petitioned against, yet only in one English borough—Bridgewater—and only in one Welsh borough—Brecknock—were traces of the old regular system of bribery to be found; although, undoubtedly, in other instances, there were cases of individual spasmodic corruption. He believed that public opinion, which ever followed the law, would, as in the instances of duelling and slavery, in the end destroy bribery. When a Peer of the Realm stood at the Bar of the other House in practical danger of loss of property and liberty, in the theoretical danger of the loss of life, duelling ceased to exist in this country. When a British merchant stood at the bar of a Criminal Court in danger of transportation for having assisted in the slave trade, we heard no more of British merchants indulging in the practice. And so he believed would it be with bribery, through the influence of public opinion. One sentence would be sufficient to dispose of the second evil to which he had referred—treating. That was nothing more than diluted bribery; and when it ceased to be encouraged by direct judicial decision, it might be hoped that, as the shadow followed the substance, with bribery it would pass away. He now came to the far more serious evil, which was increasing rather than diminishing, and on account of which he thought this Bill should pass. It was most difficult to demonstrate the existence of that evil in its full extent. In its origin it might perhaps be traced to that strong determination in the Anglo-Saxon character to reach success in any object which Englishmen had in view; but whatever its cause or origin, it had been in existence in this country from the very first day of our Parliamentary history. Parliaments were young, indeed, and Parliamentary life had been but short, when 600 years ago the necessity existed for this Royal declaration—

"In order that elections may be free, the King commandeth that no great man, or other, shall by force of arms or by malice or menace do ought to prevent anyone from having free election."

And 40 years later it was felt necessary to "pre-ordain" that—

"Every elector should freely vote, and that neither prayer nor oppression should be used to prevent his doing so."

That showed that at that early period undue influence existed as a great blot upon our electoral system, requiring special enactments. Time passed on, and the influence of great men somewhat passed away. But when towns increased, men became more obedient to the power of corruption, and in the reign of Elizabeth, when our commerce had grown great, money became more abundant, and bribery obtained superiority over undue influence. Constituencies became contracted; boroughs were bought and sold, and the sum of money received outweighed the indirect benefits of undue influence. But times had changed. The force of money had passed away, but the malice and the menace, the prayer and the oppression, remained. The Reform Act of 1832 had increased the amount of power given to the people; the constituencies were enlarged; it became difficult to bribe, and more easy to exercise undue influence. It then sprang for a second time into strong and clear existence; and then it was that reasoning and patriotic men came to regard the Ballot as desirable. But when the legislation of 1867 still further enlarged the constituencies of the country, that which was desirable after the Reform Bill of 1832 became an absolute necessity if the franchise was to remain in its present condition. He had said that the proof of the existence of undue influence was very difficult. He was not going to be anecdotal on the subject. Anecdote, to be worth telling, referred generally to an exceptional state of things, and to found legislation on an exceptionable state of things was most objectionable. But he would appeal to the judgment and knowledge of hon. Members, not to those whose lot had fallen in pleasant places, not to those who represented the Universities, whether English or Irish, not to those having a remote traditional right to represent certain constituencies in that country; but he would appeal to every hon. Member who had fairly fought a doubtful battle in a borough constituency, whether he had not, during and after the contest, had to listen to the sad tale of injury, misery, and half starvation in-

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curred by an honest vote accorded in his favour? Evidence of this kind might be found by the hon. and learned Gentleman the Mover of the Amendment from borough Members near to him connected with the county he so well represented. No one could doubt that at the General Election of 1868 a strong Conservative feeling existed among the working class in the county of Lancaster; a vast number of the employers of labour entertained Liberal views; these came into conflict with those whom they employed, and what was the result? After the elections were concluded, did the Conservative opinions of the hon. Members for Staleybridge (Mr. Sidebottom), Ashton-under-Lyne (Mr. Mellor), Preston (Mr. Hermon), and, crossing the border, of Stockport (Mr. Tipping) remain unchanged? Confining himself to these four instances, was it not remarkable that within the small circle of one district they should be able to find so many converts to the Ballot from their own practical experience in borough elections? The hon. and learned Member for South-west Lancashire (Mr. A. Cross) in effect denied the existence of undue influence, and stated that the Judges who were examined had come to the conclusion that it did not exist, forgetful of the fact that three Members had been unseated on that very ground. But he (Mr. James) would point out that the evil was one which never could be brought fully under the influence of the law, proof being almost impossible to get. No hon. Member could be unseated unless either himself or his agent had been guilty of undue influence. But the offence was never committed by a Member or his agent, but by employers of labour interested in the candidate's success or defeat. But before a Petition could be successfully presented, the persons desirous of presenting it had to show that the man guilty of undue influence was an agent, and this was the reason why the Judges had so little cognizance of undue influence. If the offence had been brought to the knowledge of the Judge, and so within power of punishment, he would hope on and trust to the law to repress it; but it was because the offence could not be reached he supported this Bill. There was much undue influence which the law could never touch or stay. If a customer passed a tradesman's shop

and did not deal there he committed no crime, and if an employer conducted a candidate through his manufactory and afterwards put moral pressure on the men, who knew that they might, when an opportunity arose, be dismissed from their employment, no crime was committed. If undue influence was brought within statutory enactment, yet from the nature of the offence it would be impossible to prove it, and therefore impossible to inflict punishment; what hope, then, could be entertained that undue influence would come to a termination from natural causes? Exactly the reverse was the case, because as they diminished bribery so they increased undue influence. The man who had received money was on that account comparatively careless about dismissal; but, in the absence of a bribe, he was the easier prey to remote influence. It was admitted by the opponents of the Ballot that the influence of wealth ought not to be exerted; but they said the Ballot would deprive intelligence and education of their influence. He argued that such influences ought to exist as much as virtue should seek to control vice. The Ballot would assist such influences, for their object and end were to produce conviction and right political judgment, but they were now defeated by corruption; whereas, if we had the Ballot, no influence could come between the voter's conviction and his vote, so that the Ballot would really assist those who wished to attain their objects by conscientious conviction. If the opponents of the Ballot would be content with the influence of intelligence—

"With winning words to conquer willing hearts
And let persuasion do the work of fear,"

they would have far more influence in the future than they now had. Men found it difficult to draw the proper line between persuasion and power; they did not perceive where they ceased to convince and commenced to compel, and they passed involuntarily from the exercise of persuasion to the use of force. He honestly believed that the extension of the franchise had rendered possible such an amount of undue influence on the part of employers over workmen—an amount far greater than that ever possessed by landlords over tenants, and which would be so dangerous unless it were checked and controlled—that the

present opponents of the Ballot would be the first to regret the success of their opposition if it were possible it should succeed. The public trustee argument, first used by Sir Robert Peel, was fallacious. It was generally the case that a trustee was a person who had no beneficial interest in that which was the subject of the trust, but it was not worth while to go into that view of the question. That there were public duties attaching to the exercise of the franchise no one could doubt; but so there were to many other things, such as the education of their children, and the disposal of their property so as not to interfere with the welfare of the State, which had to be done in private. But if there were a trust in relation to the vote, what was it? It could not be that the voter should vote abstractedly right or wrong, for who, save himself, was to determine between the two? nor to vote according to the opinion of the majority of non-electors, for, if so, all political responsibility in the voter would be at an end—the only suggested trust could be that the voter should vote as he deemed to be right according to his own conscience; but, under the present system, he could not always do so, and it was, therefore, absurd to say to the voter—"Fulfil your trust, which is to vote according to your conscience," and yet deny him the means whereby that trust could be performed. He had never heard or read a speech which more strongly convinced him that the Bill ought to pass than that which was made against it by his hon. and learned Friend the Member for the University of Dublin (Mr. Plunket). In 1838 the then Leader of the Opposition (Sir Robert Peel) in that House opposed the Ballot, because it would destroy the influence of property, and the hon. and learned Member who had been reading that speech, for he quoted it, went further, and used an argument which ought not to pass unnoticed. He said that the Members returned under the Ballot in Ireland would be far different from those who represented it now. There were now Irish Members who were returned by certain influences; the hon. and learned Member spoke of them as due influences, and no doubt, in his opinion, they were due influences; he did not refer to spiritual influence, which he detested, nor to that of intelligent persuasion, but he referred to terri-

torial influences—the influences possessed by those who owned the land in Ireland. The hon. and learned Member admitted that there had been wise legislation with reference to the Irish land, and he almost allowed it to be inferred from his speech that there had been wise legislation with reference to the Irish Church; but he asserted that such legislation had been the work of those who were not the representatives of the people of Ireland, but the nominees of a class. The hon. and learned Member, calculating as if he were an election agent, told the House that if secret voting were adopted and the influence of that class destroyed, 70, 80, or even 90 of the future Irish Members would be Nationalists. Well, if those were the real opinions of the people of Ireland they had better be expressed, whatever might be the consequences. The hon. and learned Member further urged that the present system should be retained until the people had been educated; and thus, while history repeated itself, Parliamentary discussion contradicted itself. Some 50 or 60 years ago there was in that House a Member who belonged to that “moderate and respectable party” over which his hon. Friend’s sarcasm so pleasantly played on the last night of the debate; but he was a Member whom Irishmen revered and Englishmen respected, and whose name the hon. and learned Member himself would delight to honour, for he bore his name and was of his line and race. The Mr. Plunket of that day, in discussing a Motion upon Irish education, told the House that there were matters of even greater importance, for they must first afford to the Irish people a paternal government, and freedom of political power, or education would only enable them to count the property they did not possess, and read of the freedom that they did not enjoy. Yet the hon. and learned Member for the University of Dublin, the Mr. Plunket of the present day, would not pass a measure unobjectionable in itself, lest it should give the Irish people power to freely choose their Representatives. Thus they might learn how it was that Irish disaffection had seldom been manifested towards the English Crown, but always towards the English Parliament. That disaffection would never be removed until an English Parliament included more than two Representatives of Irish

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opinions. Let Ireland send whomever it would—the most uneducated peasant or the greatest bigot of any religion—and he should be welcome as long as he really represented the Irish people. He regretted to have to pass now to some technical objections to the Ballot, but they were worthy of consideration. It was objected that the secret Ballot would prevent a scrutiny, and that a vote, however bad, would have as much effect as a perfectly good vote. Such an argument, if not affected by an alteration in the law, ought to have some weight; but he could show how this objection could be met. No one could doubt that a scrutiny was objectionable, and might be used by a wealthy man for the oppression of one who was poor. In the course of 14 years only 10 or 11 hon. Members had been seated on a scrutiny. A vote was struck off either because the elector had been bribed, or had no proper qualification. The process now was to prove that a voter had been bribed, and to strike the vote off the poll-book, whether he had voted for the bribing candidate or not. Why, then, should they not adopt a suggestion made last year, and whenever a candidate was proved to have bribed strike off one from his poll? It would be perfectly fair to adopt this proposal; for, probably, the vote would follow the bribe, and, if it did not, the candidate who had bribed ought not to complain, for he had corrupted the voter, and had done his utmost to obtain a vote by illegal means. It would also act as a deterrent, for men would grow weary of paying for a vote they may not get, and yet, using an Irishism, lose it, although they never had it. This suggestion would not go so far as that made in 1867 by the right hon. Member for Buckinghamshire (Mr. Disraeli), by which a Member who had bribed would have been superseded by the next candidate on the list no matter how great might be the disproportion in the number of votes given for each. The proposition to which he had just referred, of striking a vote from the number given in favour of a candidate for every voter, he or his agent, was proved to have bribed, was the one that Her Majesty’s Government had adopted in Clause 22 of their Bill from the Amendment Paper of last year. As an illustration of the working of this system, he regretted to

be compelled to use the only instance the last General Election afforded, for he had to refer to a borough he did not often mention, and to a Member he but seldom referred to, for he had to speak of the borough of Taunton, and of that Member who was its least worthy Representative. He (Mr. James) was the only Member in that House who owed his seat to a scrutiny at the last General Election. In that case a Petition for a scrutiny was presented, and proof of bribery, although of a very verbal description, having been given, the votes of those who had been bribed were struck off; the Member petitioned against was dispossessed of his seat, and he (Mr. James) was placed in his present position. Exactly the same process would be applied under the Ballot system. The same proof would have been given, and the same result would follow. He had also to deal with votes without qualification, and the remedy he proposed for that was, instead of trying votes in many instances after the election before a Judge, to try them either before the revising barrister, or by appeal before the election. He would then make the register conclusive. It might be said that many persons left their residences during 12 months, or received parochial relief, but as under the present system a man might have to wait two years and five months before obtaining a vote, he did not see any harm in leaving him a vote for a few months after ceasing to occupy his house. But there was one objection which he admitted had force and weight, and which he could not get rid of so easily as the others. The opponents of the measure had a right to say that, if a bad vote was made of the same value as a good vote, there would be more inducement to personate and to place bad votes into the electoral urn, and there might be a far greater amount of personation than there was before. But it ought to be recollected that if bribery was stopped personation was also stopped. He had never yet known personation without bribery. It was necessary to bribe a man to personate, and in all our records of personation there had seldom been found a case of hostile personation without bribery. ["No, no!"] Of course he was speaking under correction, but he believed that was the case. It would be well for the House to consider whether the South Australian system should not

be brought into existence. Let the voter's face be seen and his name mentioned, and any personation would at once be detected. He also suggested that personation should be made felony, and if the police had the power of arresting a man without warrant that would act as a great deterrent. He had treated this as a practical question, but he could not forget the appeal that had been made by the hon. and learned Gentleman who moved the Amendment—that that House would discuss this Bill without reference to party politics. He had obeyed that behest, and in return he had to make an appeal to hon. Members opposite, for on them chiefly rested the responsibility of determining whether or not this Bill should pass into law. It was given to the Parliament of 1867, but especially to those hon. Members who supported the right hon. Gentleman the Member for Buckinghamshire, to afford to the people of that country an extended and a full franchise. Upon those who commenced that work was now cast a duty, and that of no imperfect obligation, of completing what they had begun, by rendering that franchise a reality, by protecting the defenceless and strengthening the weak. To obtain that result some sacrifices must be made. They must cease to speculate upon the prospect of party gain; they must let the bonds of party ties lie lightly upon them, and they must cast aside traditions, old habits, manners of thought, and even expressed opinions. For any who hesitated thus to act let this be their reassurance, this their recompense, that in achieving this result they would be enabled to boast, and in that boast, the truth to tell, that they were of that reformed Parliament which, for the first time in the annals of this country, had afforded to its people the means and power to record a pure, free, and an unfettered vote.

Mr. GATHORNE HARDY: It was expected by those who are acquainted with the hon. and learned Gentleman who has just spoken (Mr. James) that he would offer to us some remarks of great force upon a subject in which he is so much interested, and he has addressed himself to it in a spirit of both reasoning and argument, having a desire, as we all have, to come to a right conclusion, but I cannot say he has displayed that amount of enthusiasm which in former times made the Ballot for so

many years one of the articles of belief and one of the watchwords of a portion of the Liberal party. I cannot help calling to mind the course through which this question has run, and the difference in its position now from that of some few years ago. In 1865 the Ballot was treated as an absolutely dead question, and Lord Palmerston, in a speech he then made, and which I remember, refused to take it up as a real one. The hon. Member for Bristol (the late Mr. Berkeley) said he was very willing on that occasion to hand it over to anyone, but he could get no one to take it, and he said he was willing to hand it over to the Government; but Lord Palmerston said he did not know any Government who would take it. It is singular that in a few short years that feeling, which was so cogent and so overpowering as to prevent this House from then adopting what had been put forward for many years by Mr. Grote, Mr. Berkeley, and others, should have passed away, and that a large party on the other side of the House should now be combined together upon this question as they have never been combined before. I am not going to enter into any party aspect of the matter, but it is impossible not to consider how it has come about that there should have been so complete a change, because the conversion of platoons is either by miracle or pressure. I cannot help thinking that when I see a conversion so great within a short period of time—when I see the followers of Sir Robert Peel combined with the old Whigs, and these again combined with the Liberal party below the gangway—it is impossible for me not to see that there must be some reason other than argument, because the arguments addressed to us to-night were all addressed to us before, and it is impossible to import anything new into the subject. If, then the arguments were unconvincing before, what has brought this change about? I have seen some instances of pressure even within these few days. Only the other day my hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt) was complaining that the Government would not give way as to the Endowed Schools Act, but in the next week, on a question of precisely the same principle—that of Harrow School—they yielded, and unanimously walked out into the Lobby with the hon. and

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learned Gentleman as they had walked out against him the week before. Under these circumstances one cannot help thinking that there must be some reason other than argument for this extraordinary cohesion. I quite admit that there have been a few conversions. After a closely-contested election, candidates are apt to consider that they have been ill-used if they have not attained all that they desired; they are apt to lay stress on the statements that voters make for not having supported them, and they are inclined to believe that pressure has been used. Thinking too much of themselves, they give credence to these stories, and many of them think that the only cure for what has happened would be the Ballot. But are such cases reasons why we are to have this great, and, as the hon. and learned Member for Taunton admits, humiliating change? He (Mr. James) has not spoken of one point which has been much put forward by others—namely, that the Ballot would secure peace and order at elections. I freely confess that I think much might be done to secure greater peace and order on the day of election. I believe the publication of the state of the poll is calculated to create disorder, and that it is desirable it should not be published. I would further advocate a means by which you would ascertain more fully the opinions of the whole constituency of the country than by any other that you could adopt, and which would also be just as effectual in promoting peace and order—namely, the system of voting papers. I know hon. Members may say that pressure may be used under that system; but that is a question of time and opportunity, and if the voting papers were issued as they ought to be, objections would be obviated and peace and order preserved. You propose to get rid of nominations, and that, though a doubtful matter, would at least conduce in some degree to peace and order. As I understand the hon. and learned Member there is only one thing for which you are to have recourse to the Ballot, and that is the repression of certain kinds of undue influence. But what is your motive for abandoning the manly system of open voting? Is it to improve this House, or is it to improve the conduct of elections? Now, I wish to ask hon. Members—“Which of you it

is who is the extra Member?" Three gentlemen were once driving in a cab, and one of them put the question to the cabman—which of them was the extra member—and the cabman could not answer. I do not think anyone here would be willing to admit himself to be the extra Member, or that he came into this House by undue influence, or by any undue means whatever. Either this House represents the country or it does not, and it seems to me an extraordinary thing that hon. Members should begin by maligning the House to which they belong. An hon. Member who preceded me has admitted, with respect to bribery, that there never was so little; and I may undertake to say there never was so little undue influence. With respect to Ireland, it should be remembered that there was no evidence before the Committee whatever which was of any effect in showing the existence of undue influence there. What is the meaning of the Land Bill, if undue landlord influence is to be alleged to exist in Ireland? It seems to me that a tenant is as much an owner now as the man above him; he is no longer under the possibility of oppression, and if you can arrive at this conclusion without the process of the Ballot, it is far better to bring it about by the ordinary operation of the law than by a process of this kind which is an injury in itself. The hon. and learned Member says that the great desirability of the Ballot lies in this—that you obtain an absolute secrecy of voting. I do not think this is the occasion for entering into details on a point which will come before us in Committee, but I would say in respect to his (Mr. James's) plan of striking off votes for bribery nothing could be more unjust. It may be perfectly just where the agent may have bribed, or where the candidate may have bribed; but supposing that neither the one nor the other has bribed, but some person for whom they are not responsible, are the votes to be struck off to the prejudice of the candidate at whose instance the bribery was not given? And with regard to personation, it appears from the statements of those acquainted with Australia that, even in those places where you would expect every man to know the other, personation is prevalent, in some instances, to a considerable extent; and you know that it largely exists in America, where,

no doubt, the Ballot is not secret, because the American citizen would despise the notion of concealing any vote that he gave; and, voting as they do in America for as many as 30 or 40 candidates, voting by "ticket" is really the only way in which they can vote with any effect. But by the mode now proposed the Ballot is very much like bribery, because it treats every man as having in his vote a personal right—not a privilege. The vote has been called a "trust;" but in the Amendment which I ventured to move in the Committee elsewhere, I particularly avoided the use of the term "trust," and spoke of it as a public duty for which the voter was under a public responsibility. The right hon. Gentleman at the head of the Government has stated that his reason for always voting with Lord Palmerston against the Ballot was that he held the argument as to the franchise being a trust as conclusive, although the right hon. Gentleman thinks that argument now no longer applies, for a reason to be noticed presently. What is it then you are doing by the Ballot? You are changing what is a public duty—for which the elector is responsible—first to his conscience and then to his neighbours and everybody about him, into a system of distrust, and in its place you are making hypocrisy an absolute duty. ["No, no!"] You are telling him that he shall not go to the poll openly—that it shall be an offence for him to tell for whom he is voting. ["No; not for speaking."] Not for speaking. No; speaking will be a matter perfectly indifferent, for you are going to set up a system of lying. The hon. Member for Huddersfield (Mr. Leatham) made some amazing statements, which I made a note of at the time, giving the notion that the tribunals, and almost all the officials of this country are governed simply by penal motives, because he said that in cases in which the State does not sufficiently remunerate a man for the discharge of the public duty, it calls in the aid of secrecy for his conscience, while the man who is remunerated has to discharge his duties openly. Was there ever such an assertion made in regard to the Judicial bench as that it only gives its judgments openly because it is paid? What is to be said of all those other officers who are not paid—for instance, the unpaid magistracy, the guardians of the poor, and the mem-

bers of various local boards? Then, the hon. Member spoke of the deliberations of the Cabinet being kept secret; but who ever heard of its being necessary that they should be disclosed? It is their acts which are important, and each Member of the Cabinet is held individually responsible for that which is brought forward or done by the collective body. The hon. Member also said the Press is anonymous. Well, it is generally so, though not always; but the newspaper itself is under a responsibility and has to give security. Moreover the Press seeks to affect public opinion, not by the force of a name, but by force of argument; and the influence which its articles may have depends upon the strength or the weakness of its arguments. The subject of anonymous writing may, therefore, be perfectly open to discussion, but it has no bearing on the question now before us. It seems to me that the hon. Member treated conscience—a word constantly used in this discussion—not as that which makes us firm and resolute, but as that which “makes cowards of us all.” It appeared to be supposed that we are to be so low in patriotism, so degraded in feelings, as to be ashamed or afraid to do anything that involves self-sacrifice and self-denial. The President of the Poor Law Board told us, indeed, that he believed we are to arrive at bravery through cowardice, and that that is the only way of arriving at it. Then you must alter the teaching in your schools, and cease to tell the young that honesty is the best policy, because dishonesty and concealment are to become the best policy. If you teach one thing in your schools and another at your elections, you will do all you can to promote dishonesty and selfishness. The poet says—

“Give unto me made lowly wise,
The spirit of self-sacrifice.”

But you say—“Give us the spirit of selfishness; let that be the ruling principle on which everybody is to act.” If that is to be the rule acted upon at the elections, why is it not to be acted upon in this House? The Notice of Motion given by the hon. Member for Whitehaven (Mr. C. Bentinck), for taking votes by Ballot in this House, caused some laughter; but there was rather more to be said for it, perhaps, than was supposed. In the French Chamber once men voted by Ballot, as they were elected

by Ballot. I do not see that the practice showed any good results in the one case or in the other. But the public duty of the men who are sent here by the constituencies to discuss and pass laws, because it is impossible for the constituencies to attend here personally themselves, is to make use of their consciences and their judgments; and why are hon. Members of Parliament to have their names set down and published in a division list, if the electors are to give their votes in secret? It may be said that public opinion might not have a good effect on the voter; but any public opinion is useful in some sense, and it is far better that a man's conscience should be subjected to the test of public scrutiny, because, as Mr. Mill justly says, if the voter has to bear the test of public scrutiny, he is not likely to adopt opinions, unless he feels that there are good grounds for them. Instead of saying to him—

“To thine ownself be true,
And it must follow, as the night the day,
Thou canst not then be false to any man.”

The whole argument for the Ballot is that a man is not to be true to his opinion, but to his interest. [“No, no!”] Well, if he is true to his opinion, he has the means of giving effect to it by an open vote; but by the Ballot you tell him that he is not to risk any consequences—that he is to be false to any man that he may be true to himself. A speech by Sir Robert Peel has been referred to, and it may be that speech has some lingering influence on the minds of those who heard it, among whom, perhaps, was the right hon. Gentleman at the head of the Government, who doubtless listened with delight to its classical allusions, and followed its conclusions almost with conviction. And what was the case then? Had this thing been tried? It was tried in Rome, and it is a remarkable thing that from the time of the establishing Ballot Law, whatever may have been the cause, whether or not it was the corrupt state of society which led to the decadence of Rome, things got worse and worse until we come to the time when Pliny gives a most accurate description of similar results to those likely to follow from the adoption of the right hon. Gentleman's Bill. We are invited to manufacture a free elector, described by an old Whig as—

“The elector free, free to think one way and act another; free to profess friendship and gratify

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enmity; free to advocate openly certain political opinions and sacrifice them to feelings of personal friendship or personal hostility; free to consult his own selfish purposes, while loud in his praise of conscientious political integrity."

That is what you want to get; and now let us see how Pliny describes these free and independent voters. He says—

"Poposcit tabellas, stilum accepit, demisit caput, neminem veretur, se contemnit."

Sir Robert Peel, commenting upon this, said—

"The reverence for authority was gone, the fear of public opinion was removed, the aspect of a grave magistrate—the living lesson (as Gibbon calls it) to the multitude—ceased to encourage or rebuke, and the voter retired from the Ballot conscious, perhaps, of the violation of a promise, with the sense of shame in his demeanour, and the feeling of dishonour and degradation in his heart. And be assured that if this feeling be introduced here, if you accustom the voter to the violation of a solemn promise, if you make him believe that a lie told to a landlord is of little comparative consequence, you will dearly purchase the advantage of a secret vote at the price of promises disregarded, truth habitually violated, the sense of honour destroyed, and self-esteem extinguished."—[3 *Hansard*, xl. 1212.]

That is the description of the voter who takes the voting paper and retires to the little recess in which there is a pencil which is to be tied with a strong piece of tape for fear, as appears from the Australian reports, that he should steal it. That is the estimate the Prime Minister has of the conscientious voter; he wishes the pencil to be tied by a strong piece of tape—red tape, I suppose—for fear he should carry it away. My hon. and learned Friend the Member for Taunton (Mr. James), like most other speakers on his side, gives up the case of bribery. He has not fully admitted that bribery will go on in the same way, and probably it would not be the case; but a comparison in this respect between England and the colonies could scarcely be permitted. They have there a suffrage which is wider than the suffrage of this country, and that makes a most material difference in the position of the two. The contests for seats in the colonies also are not so stubborn and obstinate as they are in this country, and party feeling does not there run so high; and yet still Sir James Fergusson, in a letter on the whole favourable to the Government's view, says that the system has never yet experienced a full and strong trial. Do you believe that in the contests which will arise for seats in this House, so long as a seat is valued as it now is, and so

long as such great efforts are made to obtain it, that there will not be bribery and personation? My hon. and learned Friend says personation never exists without bribery. I know of many instances in which it has been proved to have occurred, especially in municipal elections, and there is nothing in the Bill to put a stop to it. It is said that it is idle to talk of clubs or secret societies as instruments for turning elections, but in Ireland, especially where the oath of the secret society is respected, this Bill would give the undue influence of such combinations full power and destroy the due influence of mental superiority. With respect to treating, I read in *The Times* the other day an account of an election in Melbourne, in which the treating was described as "excessive;" the treating was apparently conducted very much in the same way as in England, so that it appears the Ballot has not done much to put an end to treating. Do you imagine, also, that canvassing will be stopped by the Bill, or that people will cease to ask for votes, or trust to promises; or do you imagine that the tyrants whom you suppose to exist so generally among the constituencies will not be very much like other people; that they will not arrive at conclusions "from information which they have received?" Do you suppose that secrecy will be so absolute, even in the domestic establishment, that a landlord's agent will not arrive at what has taken place; and do you suppose that these great tyrants, as they are supposed to be, will be less scrupulous than they now are? If you do so suppose, I think that you will be very much deceived upon this point. The truth is, with regard to the great majority of the people in England, that they do not want the Ballot, and will not have secrecy, and it will only be used by people who want to conceal what they do for motives of their own. You say that you are going to give them a choice of evils. An advocate of the Ballot says that it is "a necessary evil;" the hon. and learned Member for Taunton says that it is a choice of evils; and the Prime Minister also offers us, as he said last year, a choice of evils, and he offers us the worse. As is said by one advocate of the Bill, it is a necessary evil and a humiliation. What is the evil of the present system? The present system results in a sin against the law

of the country by an individual; you offer us a legislative evil; you would do evil by the State that good may come of it; and you say that evil done by the State is better than evil done by the individual. When the State seeks to mend a breach of its law, by altering the law itself, it does a wrong to itself, and leaves the criminal unpunished. But the Bill is inconsistent in itself. It begins by asserting that every man has a right to secrecy in the exercise of his privilege as a voter; and yet, with respect to the City of London, for instance, the Bill requires over 80 persons publicly to declare their preference for particular candidates. Of course the Bill does not require them to vote according to their declaration, for, of course, they may vote differently from their declared preference if they please. Ten men upon each occasion are to come forward on behalf of each candidate, and are to deprive themselves of secrecy, and to place themselves as marks for the shots of the mob. Again, do you believe that men will keep secret their votes? An hon. Member says that after voting rioting begins; but at Chippenham houses were wrecked before the voting began, and so it was again in Monmouthshire. All the rioting also was on one side, and there was nothing but the opinions entertained which could have rendered the parties liable to the violence which they suffered. Under the present law parties who were so injured can obtain no compensation from the hundred unless the rioting is of that character that amounts to a felony, which, I think, is a very great injustice. Is it supposed that that sort of thing will be stopped by the present Bill? I have not heard one word said as to rioting, and you are going to mark out ten persons for each candidate who shall be put forward as the victims of the party. Now, is it the fact that in the most secret of Ballot countries the secret as to voting is really kept? Candidates will always be able to know the opinions of all those who are worthy of any consideration at all. Patronage, too, will go on. The party opposite made great protestations that patronage was not to be one of their weapons; but a careful examination of their proceedings has shown me that patronage has still its old meaning, and that it has not fallen from their hands, like the dew from Heaven, upon the evil

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and the good; it falls upon the good only as the word "good" is construed by the right hon. Gentleman opposite. The question as regards undue influence in Ireland is whether under the Ballot that influence will be still brought to bear. I am firmly convinced as the result of my examination of witnesses who came before the Committee, that illegal influence will still be brought to bear in Ireland, notwithstanding the adoption of the Ballot in that country. I do not say that this influence will be brought to bear through the confessional, but there are plenty of means by which those who use the confessional—and would not, I may admit, use it for any improper purpose—might ascertain what was going on, and use their influence very strongly in support of the views which they held. I wish hon. Members would read that part of the evidence in which the Bishop of Limerick showed what was the meaning of the denunciations which sometimes are made from the altar. The Bishop stated that disobedience to an injunction conveyed in a denunciation from the altar by a priest was a mortal sin; and he said, further, that there were certain questions of such importance, and which were so clearly understood by all Roman Catholics, that persons supporting them in any way would also be guilty of mortal sin, except under very exceptional circumstances. I do not go further than to say that this presents a means of getting at the consciences of the voters, which may be liable to impressions alike from priests, and from some of the secret societies in Ireland, which the Ballot will not counteract. Where publicity exists in a country, and has existed so long a time that it may be said to have become, as in our own case, the vital breath of the Constitution, you ought not to do away with it except for the very strongest reasons. Bribery and treating are given up, intimidation is the only difficulty remaining, and even that has been proved not to exist to anything like the extent to which it formerly did. It has not been proved to exist to an extent sufficiently injurious to affect the character of this House; to render the constituencies unfit to discharge their functions, or, except in very rare instances, to press harshly upon individuals. I say, therefore, that the Ballot is bad in itself, because if you call it a choice of evils

you make that admission; that it is injurious to the character of the constituencies, because a constituency being made up of units, anything which renders the units degraded, dishonest, and corrupt similarly affects the whole; and that it is injurious to public opinion, because it destroys the means by which a healthy and wholesome expression of public opinion may alone be obtained. You cannot tell with the Ballot whether the opinions which a man expresses is that which he really holds, because, by your own assumption, there are certain persons in this country afraid to express their opinions, and who will express opinions which they do not entertain in order to escape some possible punishment which they think hangs over them. I take upon me the whole responsibility to which the hon. and learned Member for Taunton has adverted, and, having contested one borough and sat for another, I say, without hesitation, that to my knowledge the circumstances to which he referred did not occur in either of those constituencies. I am convinced, therefore, that there are a great number of hon. Members of this House who, not listening to the idle tales of those voters who came to them with excuses for not having supported their candidature, would come to the conclusion that the elections in this country, as at present conducted, are as fair a reflex of the opinion of the public as could be obtained under any system of secret voting. But this Bill would, if passed, have further consequences, which cannot, to my mind, be regarded with any feelings than those of apprehension. Sir Robert Peel foretold those consequences in the speech to which I have adverted, when he said—

“When you have got the Ballot then will come the demand, even now plainly foreseen and foretold, the demand for extended suffrage as the necessary consequence—nay, as the only remedy, of the special evils of the Ballot, for suffrage not circumscribed by arbitrary rules as to residence on property, but for suffrage co-extensive with population and restricted only, if at all, by the age of 21.”—[3 *Hansard*, xl. 1213.]

A few nights ago something dropped from the Prime Minister which may have been thought by some to have been at the time laid hold of and commented upon unfairly, but which was, as I can convince the House, entirely in accordance with what fell from his lips in more lengthened sentences last

year. The right hon. Gentleman at the time to which I am alluding said he had changed his opinion with regard to the Ballot, because the argument of Lord Palmerston that the vote was a public trust, and that the voter was a trustee, for those who are not represented, had passed away, and the right hon. Gentleman stated his reasons for this change in the following words:—

“When we have adopted household suffrage we have, I think, practically adopted the principle that every man who is not disabled in point of age, of crime, of poverty, or through some other positive disqualification, is politically competent to exercise the suffrage, and it is a simple question of time and convenience when this suffrage shall be placed in his hands.”—[3 *Hansard*, cciii. 1030.]

Whose time and whose convenience? Are we to wait for some new disruption, some new period of difficulty, in order to reach the period of time when it will be convenient to carry out the views of the right hon. Gentleman? The argument of the right hon. Gentleman was that the country and Parliament were placed logically in the position when manhood suffrage, and, as I will presently show, female suffrage also, must be conceded. The right hon. Gentleman proceeded to say—

“There is no longer, properly so-called, a limited constituency acting and exercising a trust on behalf of the whole people; but that the basis on which Parliament desires to found the representative system of the country is a basis not less wide than that of the entire nation. Setting aside those who may be subject to positive disqualifications; and, consequently, that the trust which is exercised by the father of a family, or by an adult male, in giving a vote for a Member of Parliament, is practically a trust which he holds mainly on behalf of his wife and children, all other persons being presumably entitled to act with him on a footing of equality in giving a vote.”—[*Ibid.* 1031.]

There is no doubt that last year the right hon. Gentleman was strongly opposed to female suffrage, for he came down to the House and assisted the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) to throw out a Bill which would have conferred it; but this Session he came down and said that if the difficulties of women going personally to the poll could be got rid of the franchise would well be granted to them. [Mr. GLADSTONE dissented.] All I can say is that I am correctly stating the impression left on my mind by the speech; but if the right hon. Gentleman intimates that I have misapprehended his meaning, I will not

press the matter further. Passing from that question, it is safe for me to say that, according to the statement of the right hon. Gentleman himself, this Bill would unsettle the suffrage and open new questions in regard to the franchise, and that is, to my mind, an undertaking of so grave a nature as to justify me in voting against the Bill. This measure would not, if passed, confer any advantage upon the public generally, but would simply act as a cloak to the mean, the cowardly, and the dishonest among the electoral body, because unless a man is consistent in his lying the Ballot can be of no use to him. I will be no party to any such proceedings as those to which I have alluded, and as I believe the Ballot to be bad in itself, and likely to lead to renewed agitation in the country, I shall unhesitatingly record my vote against the Motion to go into Committee on the Bill before the House.

THE MARQUESS OF HARTINGTON: The right hon. Gentleman who has just sat down (Mr. G. Hardy) has taunted hon. Members on this side of the House with having been very rapidly converted to the Ballot, but will he say that any single one of such conversions has been half as rapid as that of himself and of a great number of those who sit behind him upon the subject of household suffrage? In order that the House might forget the rapidity of that conversion the right hon. Gentleman quoted from a speech in which Sir Robert Peel resisted the Ballot, for this reason, among others, that it would cause a demand for extended suffrage; but he did not add that, thanks to himself, the demand for the suffrage has preceded the Ballot. The right hon. Gentleman dwelt, with all the honest energy of his disposition, upon what he thought would be the falseness and the hollowness in the electoral mind which would result from the adoption of the Ballot, but I must say that I see no reason for any such gloomy anticipations. I feel convinced that if this Bill passes many men will profess their political opinions and work as ardently as ever in their support; and, in saying that, I would point out that the right hon. Gentleman was inconsistent enough to say that the majority did not want the Ballot, but would proclaim their political opinions as much as ever. If so, there would be no real reason for the exercise of meanness, falseness, or

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dishonesty on the part, at all events, of those who held warm political opinions. The question, however, which the Government had to consider was, what protection could be afforded to the large number of persons who did not hold such warm political opinions as to induce them to proclaim them from the house-top, and who at the same time wished to exercise their privilege apart from the influence of their landlords or employers. I cannot see that the Ballot will create or foster meanness or dishonesty, because men will leave off asking questions to which they know they can get no certain answer. They will be content either to accept the assurance of the voter as to the way in which he had voted, or not trouble themselves about the matter at all. Once the Ballot comes into operation in a country there is no longer such a thing as inquiring how a voter has voted; there is no longer such a thing, even, as assuming that he has voted in a particular sense. The idea of exacting a vote, or punishing a voter in any way for exercising the franchise, never enters into the head of any man; and the consequence is that ultimately voting becomes almost as open under the secret system as it was before. We have heard a great deal of voting being a trust. I have no doubt that to many hon. Members upon both sides of the House that argument is extremely interesting, but it seems to me that it is an argument of too speculative a character to have much weight upon the decision of this House. I think the House and the country will be guided far more by what they think will be the practical effect of this measure than by any argument of that kind. I do not think it at all necessary to concede that the Ballot will be an evil; but I am prepared to admit that, although we shall gain a great deal more than we shall lose by its adoption, still there are certain advantages which we shall have to relinquish. For instance, there will be so much uncertainty as to a candidate or an agent obtaining any consideration for the money that he pays that few men, I think, will be found to risk their money for so doubtful a result. That will be a very great gain. On the other hand, the hon. and learned Member for South-west Lancashire, in his able speech the other night, certainly put his finger upon what, as it seems to

me, will be the only thing that we shall lose—the facilities given by the publication of the votes to a petitioner for putting his hand upon cases where bribery has been committed. If a voter has voted in a manner contrary to that which was expected or promised, no doubt this may put the petitioner upon the scent, but I do not believe that is the way in which bribery is usually detected. I am happy to say that I have never had any experience either of petitioning or being petitioned against, but in those cases of which we commonly hear, the operation seems to be somewhat of this kind: when money is being freely spent in a contest, it is impossible that this can be done with complete secrecy; the thing is whispered about and talked about, there is a prevailing impression—something in the air, as it were—to the effect that there is money going. After the election is over, if the defeated party thinks it worth while, these rumours are traced, and further inquiry is made; and as both the bribers and the persons bribed must be persons of extremely indifferent moral character, it is not generally a very difficult operation to find a traitor in the camp, and when once a clue has been obtained further discoveries become much more rapid. It is in that way, I believe, that petitioners are put upon the scent much more frequently than by the publication of the poll-book. Then, as to personation. I quite agree with what was stated by the hon. and learned Member for Taunton (Mr. James) that personation is only another form of bribery. It is impossible to suppose that anybody will expose himself to the enormously severe penalties which he will incur if detected, without any consideration other than the anxiety which he feels for the success of one of the candidates. Under the Ballot you weaken the inducements to personate, because, though the bribe may be given and taken as before, the candidate or the agent can never know with certainty that the vote has been given in the sense that is desired. Several phrases have been repeated over and over again in this discussion to which weight apparently attaches, but which appear to me to represent nothing but fallacies. We are told that the Ballot will encourage bribery and personation by making them impossible to detect. How is that shown?

In the present day you must trace the money from the agent to the voter; or in a case of personation, you must prove that a certain person, A. B., voted for and represented another person, C. D. These things will be as capable of proof under the Ballot as under the present system; for it is no part necessarily of the offence that the briber or the personator shall have voted for any particular candidate. Another argument which seems to have a great effect upon the minds of hon. Gentlemen is the tremendous operations which will be resorted to for bribery by results. The right hon. Gentleman the Member for Oxford University (Mr. G. Hardy) alluded to this when he spoke of bribery by clubs. But if that be such an admirable mode of bribery, I want to know why it is not practised now? I do not believe that there is any reason to suppose that this conditional form of bribery will be more easily practised under the Ballot than it is at present; and I have never heard of its being extensively resorted to. It is true that the candidate would not pay his money unless he were returned; but, on the other hand, what would there be to prevent the leader of a club of 300 or 400 men from making his bargain with the candidate on either side, and thus securing his money whichever was returned? One or two bargains of that kind would, I believe, soon deter candidates from expenditure of so useless and unprofitable a character. Then as to intimidation, without going into details, I think I may say that, for all the ordinary and coarser forms of intimidation—such as intimidation of tenants by landlords, of tradesmen by customers, or of workmen by trades unions—the Ballot would be a complete cure. Against all these undoubted gains, what have hon. Gentlemen on the other side to put? It is said that we shall lose the salutary effect of public opinion upon the mind of the voter. I should very much like to know what that means. I admit that very frequently it happens now that a voter who has always voted “blue,” or has always voted “yellow,” and whose family have always voted in the same way, does not like to vote differently, because he would be supposed to have turned his coat, and it is very possible that under the Ballot, instead of continuing to vote as he and his family had

always done before, the voter might vote for the candidate he personally preferred. But I do not think that would be a very great loss. What I want to know is, how public opinion is brought to bear upon the voter so as to exercise a salutary effect upon him. I believe that a corrupt voter votes now for some corrupt motive, and under the Ballot he will probably continue to do the same. But I do not believe that the honest voter is always thinking about his being clothed with a trust for the benefit of the nation, of the duty which he owes to his country, or of the salutary effect which public opinion exercises upon him. I believe what the honest voter thinks of is, who will best represent his political opinions, and who will make, in his opinion, the best Member for the county or the borough. I should like to offer one or two remarks upon the very able and eloquent speech which we heard the other night from the hon. and learned Member for the University of Dublin (Mr. Plunket). Much as there was to admire in that speech, there were two points by which I was particularly struck. The first was, the intense admiration that the hon. and learned Member appeared to feel for his own profession. According to his view, there was nothing like leather. For admitting that the evils which had prevailed before might still continue to prevail, the hon. and learned Member dwelt upon the great change which had been made in the tribunal that was to try the offences. Formerly, he said, you used to try these cases by a tribunal which was corrupt, and which, perhaps, sympathized to a certain extent with the criminal. An investigation by an election Judge ought, no doubt, to have an extremely deterrent effect on an intelligent criminal; and, indeed, I have heard that during the progress of the last General Election the prospect of such an investigation being made did have a considerable effect in restraining malpractices which would have otherwise prevailed. There was a general apprehension that the Courts would be much more severe than they turned out actually to be, and that it would be impossible for any person to resort to corrupt practices with such impunity as he could before. Since then, however, I have heard even hon. Members of this House say it would be extremely easy to spend a great deal of

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money, and to use a great deal of influence at future elections, without coming within the reach of the law. Besides, I believe that no tribunal, however excellent, even if it were a great deal better than the present tribunals of the election Judges, would entirely remedy the evils which are complained of. I believe that the very worst cases did not come before the Judges at all, and that even when a Petition was presented, the petitioners did not always make out so strong a case as they might have done. There was a good reason for this. It was well known that if too strong a case were made out against the opposite side the character of the borough would be taken away altogether, and consequently the borough would thenceforth lose the right of being represented in the House of Commons. I think the fear of disfranchisement may have operated in several instances so as to prevent the strongest possible case being brought under the notice of the Judges. The hon. and learned Member indulged a great deal in prophesy, and described to us not only the inherent evils of the system, but likewise the results that would follow its adoption. First of all, he predicted the extinction of the party to which I hope I have the pleasure of belonging. Now, I need hardly say, that, with the hon. and learned Member, no one can look upon such an event as an unmitigated calamity more than I should, but I confess I do not feel myself wholly cast down by the prophesy of the hon. and learned Member. I believe that the Whigs have been always distinguished by a sincere love of free institutions, and that they have always sought to reform rather than to pull down the institutions of the country. I believe, in short, that they have been consistent and sincere lovers of freedom and popular progress. Well, if that be a correct description of the principles of the Whig party, I do not see what reason they have to fear a system which would place a large amount of political power in the hands of persons who take a calm and at the same time a liberal view of the institutions of this country and of public events. I think the politics of the large body of the people would answer precisely to the description I have just given of the politics of the Whigs, and I do not see why enabling persons to vote as they wish, and not compelling them

to vote as somebody else wishes, should lead necessarily to the extinction of the Whig party. But even if the hon. and learned Member be a true prophet, I do not think I am wrong in saying that those who still call themselves Whigs do not desire to sit in this House or to take a share in the Government of the country by means of corrupt practices. The hon. and learned Member next prophesied that the most disastrous results would ensue from the adoption of the Ballot in Ireland. I think he was rather rash to touch on the subject of Irish elections, for if there be one part of the United Kingdom where a change is required more than in any other it is Ireland. Without any hesitation, I say that the present system of Irish elections is a disgrace to a civilized community, and as an instance, I will briefly refer to the case of a county election and of a borough election. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) stated that no case had been proved where intimidation by landlords was exercised in Ireland; but surely he must have forgotten the case of the Sligo election, where it was proved by a Roman Catholic priest who came before us, and who certainly was not contradicted in a single item of his evidence, that intimidation of the grossest and most flagrant character was practised at that election. This witness cited instances where tenants had received threatening letters from landlords, telling them that if they did not vote in a particular way they would have to pay increased rent, or else go to America. Then we heard that some days before the polling-day two or three resident magistrates had to be sent into the county in order to keep the peace. A large force of constabulary, and even of troops, was likewise sent there, and for days before the election, escorts were sent out in order to bring voters into the polling-places. These precautions were, I believe, absolutely necessary in consequence of the intimidation practised by the landlords and the equal amount of intimidation on the other side. We were told of armed parties going about the country threatening electors with dreadful consequences if they gave an unpopular vote. Such was the state of the county of Sligo prior to the election. It was a struggle in regard to which I cannot take upon myself to decide who was right and who was wrong—a struggle

between the landlords, the priests, and the mob. In most instances individual voters had no free choice as to the way they would vote; and consequently, in most instances, only an unwilling share in the result. I will now take the description of the Drogheda election, which was investigated by Judge Keogh. It is impossible to read anything which conveys a more vivid description of what an election ought not to be than the account given by that learned Judge of the election for Drogheda. It is sufficient to say that for three or four days the town was in a state of such violent tumult that the unpopular candidate did not venture to make his appearance at all. On the morning of the election, a mob proceeded to the railway station to prevent his voters from going to the poll. I forgot, however, to mention that at the nomination the tumult was so great that the returning officer had to ask a person present whether anybody had proposed and seconded Sir Leopold M'Clintock, and if so, whether any body had demanded a poll. The riot on the following day was so serious that a large number of electors were unable to record their votes at all, and it was only by a miracle that many lives were not lost. Now, is it possible to conceive a state of things more completely removed from freedom of election than is depicted in the accounts of these two elections? And I appeal to hon. Members who are acquainted with the facts to say whether these are altogether exceptional occurrences. It appears to be a recognized practice at an Irish election to hire a mob. Both sides usually have mobs, and the peace of towns is thoroughly disturbed by their proceedings. I think the hon. and learned Member for the University of Dublin said that voters would be attacked under the Ballot just the same as they are under the existing system, because their opinions would be just as well known. If the Ballot were introduced, I do not believe that mobs would be made use of at elections as they are now. It seems to me that the object of employing mobs at these elections is to excite terror in the minds of the voters, and to warn them of the consequences that will happen if they give a certain vote; and if it is never known what votes the voters give, it appears to me that the motive in the employment of a mob will almost altogether be done away with. We have

been told that the adoption of the Ballot has entirely removed the violence that used to prevail at elections in some of the colonies, and I do not know why we are to assume that the adoption of the Ballot in the Irish elections should not have a similarly good effect. We are told, however, that in Ireland there is one species of intimidation over which the Ballot will have no effect—and that is spiritual intimidation. Hon. Members speak on this and many other points as if the adoption of the Ballot would deprive us of all the other means which we now have of checking unfair proceedings at elections. It is not proposed to take away any of the powers which the Judges or the House now have in such cases. Bribery, intimidation, and corrupt influence of all kinds will be just as much prohibited and punishable by law after the Ballot has been established as they are now. Spiritual intimidation will be one of those classes of intimidation which it will be perfectly open to the law to take cognizance of, and if used to a certain extent such intimidation will invalidate an election. Judge Keogh laid that down very clearly in his judgment on the Galway election. Judge Keogh said that spiritual intimidation could be proved in the same way as intimidation of any other kind, and that if it were proved to exist, in his opinion, the candidate in support of whom it had been used would be deprived of his seat in the same way as the hon. Member for Mayo (Mr. G. H. Moore) was deprived of his seat in 1857. I admit that the Ballot is not a specific remedy against spiritual intimidation, but if you adopt the Ballot you will not take away any of the existing powers of the law. We are told that the effect of the adoption of the Ballot will be the return of a great number of Nationalists to this House. I have some doubt upon that subject; but I do not know that even that would be as great a misfortune as allowing things to go in their present state. I cannot conceive anything that could have a worse effect on the minds of the people than their seeing that scenes of violence at every election can occur almost with impunity. The people see a large force—magistrates, constabulary, and troops—assembled for the purpose of preserving order. The people think—though I believe entirely without reason—that this force is employed in the service of

one side. Of course it happens that one side needs more protection than another, and the minds of the people naturally become filled with the idea that all this force is intended for the assistance and benefit of one side. For that, among other reasons, I believe if we had the Ballot it would be much easier to put down riots. There would then be no longer any excuse that the employment of violence was necessary. At present it is said that violence is employed to meet violence on the other side. I do not know why the adoption of the Ballot would be followed by the return of a large number of Nationalists. It is not proved to my satisfaction that a majority of the Irish constituencies profess Nationalist opinions. I believe that the individual opinions of the Irish voters have very little to do with an election—that the voter votes as his landlord or his priest tells him to vote, or because he is intimidated by some violent or overbearing section of the people. But a large proportion of the Irish constituency is composed of small farmers, or small traders and small shopkeepers in country towns, and it appears to me that there is no class on the face of the earth one would naturally expect to be more Conservative than a class of that description. It is admitted on both sides of the House that some good was done last year in giving to that class some security in their tenure. They are now very much the same class as that class of small proprietors in France who have always constituted a thoroughly Conservative body in that country, and I do not know why you are to suppose that the feelings of the small proprietors or small leaseholders who regard themselves as proprietors in Ireland, are different from the feelings of small proprietors in other countries. At any rate, nothing has occurred to show that the feelings of the majority of the Irish constituencies are Nationalist. We know very well what sort of proceedings have occurred in the Tipperary and Meath elections. We know that intimidation by certain supporters of the Nationalist party was carried to a great extent, and that voters who would have ventured to oppose what they chose to call the popular vote would have done so at very great risk to themselves. If the adoption of the Ballot should lead to the return of 60, 70, or 80 Nationalists, then I can

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only say, although I may deplore it, by all means let them come. If they come, they will find how strong, how unalterable, is the determination of the people of this country to maintain the integrity of the Empire. They will find that our determination is just as strong as was that of the people of that country to which we are told their eyes are always turned—the United States of America—that their Union should not be discovered. At the same time they will find, if their minds are not wilfully prejudiced, that the people of this country are willing to do Ireland justice, if not more than justice. I do not believe that even Nationalists will permanently resist an influence of that description. I do not believe that the majority of the Irish constituencies desire separation from this country. I must, however, admit that in such a case the difficulty of governing Ireland will be considerably increased, but it will not be so great as many hon. Members appear to anticipate. Should, however, that state of things arise, we must meet it as best we can. There was neither sense, advantage, nor prudence in crying peace when there was no peace; and it would be much better to give free representation to the people of Ireland than leave it in the hands of the landlords and Roman Catholic Bishops.

MR. BERESFORD HOPE: I confess that I cannot accept with that great unanimity which the noble Lord who has just sat down (the Marquess of Hartington) appears to manifest at the prospect of 60 or 70 Nationalists from Ireland in this House merely that we may show them what is the united feeling of the English and Scottish nation as to the maintenance of the Empire. In the first place, the united feeling of the Irish Nationalists, met by the counter united feeling of Englishmen and Scotchmen, would be something very like civil war; and, in the second place, knowing, as I do, what the composition of the Treasury Bench is—knowing the mysterious way in which it works out its conclusions, knowing with what alacrity and even fierceness its Members can advocate, when that advocacy involves giving a rap to their own terrible left wing, opinions which they had themselves opposed, with every appearance of conviction, only a year or two before—I believe that the presence of 60 or 70 Nationalists from Ireland would lead

the present men in office to take a very different view of the question from that which they at present profess. I dismiss, however, that part of the question, for I wish to take up the subject from the point of view of a former English borough Member, and not as the representative of a University. I have sat for boroughs; I have won my election and I have lost my election in boroughs; and I propose, therefore, to consider this question from a borough Member's point of view. The first charge which I bring against this Bill—and it is a very grave one—is the way in which it is made to combine two distinct issues, and to take the second step before the first is made good. The Bill might have been a measure solely intended to enact the Ballot. Well and good. I should have respected such a Bill, though I could not have agreed with it. A Bill for improving the procedure of open elections I could have cordially welcomed. But I protest against a Bill which embodies provisions, good as far as they go, for making our elections more quiet and orderly and peaceable—provisions which contain matter enough for our discussion during the remaining Session—being overweighted, crushed, and stifled by other provisions dealing with the empirical theory or crotchet of secret voting. This is not a statesmanlike proceeding—it is not conducive to a good solution of the question of election reform. What is the reason for this policy? Where is the great cry for the Ballot throughout the country? Where have there been meetings which demand any recognition? Where is the crowd of Petitions? You cannot point your hand to any such demonstrations; and, by general admission, the last General Election was more pure than any that ever went before it. The only notable difference is that Mr. Mill, who was a great supporter of the Ballot, has become its decided opponent. With the exception of that difference we all stand on one old ground; but the truth is, that the party opposite have been sorely tried for want of a cry. There is the Army Bill, to be sure; but then it could not serve for the whole of a Session. You have pulled down one Church; but you did not yet feel yourself strong enough to attempt to pull down another. You have revolutionized the tenure of land in one country; but you did not care to venture

to repeat the experiment in another. There was an ugly gap which must be filled up somehow; and so it was determined to toss in the Ballot. I have listened to appeals to the Ballot Blue Book of 1869, and much has been made of the seeming concurrence of witnesses before that Committee in favour of the change. But if we investigate that evidence calmly and dispassionately, we shall observe one remarkable characteristic running through all the witnesses. Some were Liberal, some were Conservative; but everyone of them bears testimony to a great amount of malpractices at elections—to a great deal of bribery and treating. But, invariably, everyone of them is found to maintain that these practices exist in the party to which he is himself opposed; while, upon the side of which he is the agent and the advocate, all was straightforward and virtuous. The fact is that there is a great deal in the electoral system of the country which wants to be mended—that is what every witness has said. No doubt many said also we want the Ballot. But what they intended to say was this—something is wrong; we want a remedy; we have heard of the Ballot, and we wish to try it. The plain English of such evidence is—we are very ill; we are sick; the doctors have done us little good; let us try Holloway's pills. The Holloway's pill-box of the present Ministry is the Ballot-box. Why is it that on this side of the House every speaker has as yet protested against the innovation, with the solitary exception of my hon. Friend the Member for the Isle of Wight (Mr. B. Cochrane), who alleges, as the reason for his vote, that we ought to give the working man the Ballot in order to show we have confidence in him; as if the old constituencies, to whom we never thought of administering it, were not equally entitled to that confidence? Why is it that with this single difference we, who still cherish opinions which were held by all public men with just enough exception to make the real unanimity conspicuous only a few years ago, and who object to the Bill as dangerous to the commonwealth, because prejudicial to personal honour, truth, and morality, find ourselves shut out by the ingenious legerdemain of a party duel? We have now had the confession that it will be passed by those who, in passing it, believe that

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it will be in a great degree inoperative. ["No, no!"] I say, yes; the noble Marquess says that in a few years we shall get into such a halcyon state that no man will dare to hide his opinions, and so we shall have open voting just as before. I noted his words at the time, and I now assert that they prove that the overt object of this Bill is factitious and unreal. But I thought it was an admitted axiom in politics—that to legislate merely in order to meet a cry and not to supply a real need was immoral and dishonest, and an action calculated to bring legislation into contempt. We have been engaged, during a part of this Session, in erasing out of the Statute Book an Act which, in the opinion of most of us, was the most impolitic and unstatesmanlike that ever was passed—the Ecclesiastical Titles Act. We are about to repeal that Act; and I trust it will soon be numbered with the other obsolete statutes which have successively disappeared. Take care that in passing the Ballot Bill you do not commit a still more gigantic mistake, and one still more calculated to bring the law itself into contempt by open, notorious and audacious instances of its violation. We all listened, I am sure, with the greatest sympathy and pleasure to the address of the hon. and learned Member for Taunton (Mr. James). But that address was tainted—like all the addresses in favour of the Ballot are tainted—by a belief in abstract theory, coupled with ignorance of, and contempt for, the delicate and manifold springs of human nature. To assume that the Ballot must necessarily mean secret voting, you must assume that men not of high education, not living in the eye of their neighbours, not accessible to those influences of public opinion which control men in a higher station in life, are to manifest a self-command which would be well nigh impossible for any of us to exercise. Those whose means of subsistence are precarious, whose position in life is humble, whose training is defective, can—if one believes you—be encouraged to avail themselves of their new political franchises, can be encouraged to attend political meetings, to cheer or to hoot as the case may be, to hold up their hands or to hold them down as the case may be, to accompany one party or another as the case may be; for you do not abolish canvassing by this Bill, as you cannot

abolish canvassing by any Bill you may frame—and then each unit of this impulsive mass is to troop along with his fellow-citizens up to the very point of recording his political opinions; till finally, at the last moment, by the legerdemain of going into a sentry box and making a few scratches on a Ballot paper, that shouting, lie-convinced, gesticulating man suddenly becomes a proud, self-reliant, self-respecting, silent citizen. The thing is ridiculously absurd—it is an insult to common sense. One of two things he must do. To be sure, a picked man may hold his tongue; but that is what such a man will not do. The mass of men are not gifted with silence. He must either speak the truth or tell a lie. If he speak the truth, what have you gained by your Bill? If he tell a lie, then your Ballot Bill is only an expedient to demoralize the people. It is true he may fence with questions that are put to him. But to put a man on the wrong scent is not a very elevating process; it has a taint of immorality about it, at the least. But even to fence with a question requires a certain amount of education; it argues an acquaintance with the science of words which the ordinary voter does not possess—for be it remembered that I am dealing with the question of the poor voter, for a voter in the higher classes the Ballot is of no value whatever. It is a poor man's question; it is a social question; it is a super-Wednesday question—it belongs to a class of questions that we agree to deal with, as not possessing a political but a social value, in the middle of the week; and though I have a great respect for such discussions, I believe that we—especially at this period of the Session—have many more important topics to discuss. But dealing with this as a poor man's question, and stripping it of all that grand phraseology which has no reference to humanity and to the rights of flesh and blood, the question comes to be—how is it possible to secure secrecy? By one way—and one way only—I reply. Make the profession of a Member of Parliament less honourable and respected; degrade the character of this House; put the representation in the hands of trading politicians and scheming lawyers; let them, as in America, be members of the ring, which makes the candidates out of its conspiracy; let no one but professed politicians sit for any constituency, and

then you may work your plan. But so long as a seat in this House is regarded as a title of honour, not in this country merely, but throughout the civilized world, so long will it be an object of intense anxiety to secure the dignity, and so long will every machinery be put in motion by the man who wants to get in, and who would condescend even to the mean ingenuity of agents, whom he is compelled to employ, even while in his heart he despised them. Do you believe it would be impossible for such an unscrupulous agent to extract from a poor and uneducated voter, however averse he might be, from a little known voter, perhaps a boosey voter, the way in which he gave his vote. When I have sketched the voters' class character, you will confess that there are tens of thousands of such in the kingdom for whom this Bill is meant to work. He is not a better man than his neighbours, far from it; but he is not much worse. He is employed at a mill; his employer is an active member of the Liberal party, who keeps up his list of voters pretty sharp. But he must sleep at night. He sleeps at a cottage, which has been run up by the roadside by a bustling builder on the Conservative side. He solaces himself with beer at the "Three Jolly Pigeons," where the landlord is on the Whig side. But he cannot live on beer only, so he runs up a score at the grocer's for tea and sugar. The grocer is a teetotaller, and having strong notions on the licensing system, is anxious to return a Member of his own views. But our labourer also possesses a wife, and she does a bit of charring at the house of the squire, who is a bluff old Tory, while the squire's wife is a good-natured lady, much given to blanket distributing at Christmas. Then comes a General Election, and our typical citizen is canvassed by his employer and canvassed by his landlord, he is beset by the landlord of the public-house, and pressed by the grocer, while the squire and the squire's lady remind him of his obligations. Yet you have the effrontery to tell such a man to give his vote in secrecy, and that he may step out of the polling compartment erect and noble, the master of himself and the keeper of his own secret for all time to come. Have you considered what a purgatory it must be for such a man to keep a secret? The only person in

history to whom he will bear any resemblance is Samson, when the Philistines tried to worm his secret out of his Dalilah, only that our imaginary voter will be no Samson, but only a weak-kneed and rather stupid working man. You will only convert him into a mean sneak, if not into a liar. He may, under our present system, have voted openly, and yet voted from one motive or from another, all of them mean and ignoble; but at least the poor fellow will have done one good thing in his life—he will have voted openly, and the truth of the vote will stand on the record. But if he votes in secret and then persistently lies about it, he will have made himself a worse man than if he had been brought dead-drunk to the poll; that would be evil, but the evil would be patent, and have its limit; the life-long falsehood has no limit to its mischievous influence. This imaginary voter is no Phoenix, he exists and is to be found at the corner of every street of every borough. Is it, then, a light thing if you demoralize tens of thousands of such men for the sake of carrying out a philosophical crotchet? I sympathise with those who hold by the Ballot as a remedy in the face of all the evils and abominations which I cannot reprobate too strongly—that exist in our boroughs at popular elections. But I hold that it is bad policy, and displays an ignorance of human nature, to try to extirpate a proved evil by the forced enactment of the extreme opposite. I will give you an instance of what I mean. In the Middle Ages the extent of clerical immorality excited the indignation of many able, strong, and stern-minded men, and so those men attempted to meet this evil of immorality by forcing general celibacy upon the clergy. Now, I hold that to force on the Ballot in order to cure political corruption is a mistake of the same kind as the enforcement of celibacy, immorality; or, if the hon. Member for Carlisle (Sir Wilfrid Lawson) will pardon me, I would say that it is a mistake of the same kind as forcing total abstinence upon a man in order to cure him of drunkenness. It is at all times bad policy to meet one extreme by another. There was, indeed, one gentleman who appeared upon the Committee—I must give his name, for he deserves not to be forgotten who defends the system of promising a vote to one man and giving

it to another. That gentleman is Mr. Darwell, the Town Clerk of Windsor. The voter, according to him, would after all only be acting like Galileo, when he averred, contrary to his convictions, that the earth did not go round the sun. Well, I make the gentleman a present of Galileo, though I think that it is more likely we shall find more Gallios than Galileos among our constituencies.

Reference has repeatedly been made to the electoral system of Australia. In fact, the Australian argument lies at the root of all that has been urged in favour of this change; and the appeal to Australia was repeatedly made by the noble Marquess opposite. Now, let me point out that the Ballot has been in existence in Australia for the enormous period of 13 years; and it has worked for that long series of 13 years without coming to a dead-lock. But yet that discovery, to my mind, contains no element of an argument on the possibility of the Ballot succeeding here. In England, society is altogether different from that of Australia. England is an old settled country; Australia is new; in England the various classes are divided, vertically so to speak as well as horizontally, by lines numerous, minute, and of old standing; in Australia there is only one class of persons who are all tolerably secure from want, and who are not possessed of much cultivation, except at Melbourne, and at Melbourne, accordingly, the evils of the Ballot are beginning to be felt. The questions that divide us here have no existence in Australia. Look, for instance, at the despatch of Sir James Fergusson, who showed how thoroughly democratic the whole composition of society was in the colony of South Australia. Take the case of that colony. What is the fact in South Australia? Why, throughout the whole colony there were only 28,000 votes—not more than might be found in one of our manufacturing borough towns in England. The questions they had to deal with were few; they had no foreign questions, no treaties to discuss, no high politics to approach—nothing of that class of business which inures us to the discussion of great questions. In fact, if I may say it without disrespect to the Australian Legislatures, they are hardly more than large Town Councils, elected for a district which spreads over a large extent of country. That, Sir, is the

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model which is now held up for an old Imperial State like this, with all its varied and complicated interests, national and international, to follow. One of the witnesses examined before the Ballot Committee is a gentleman whose opinion we shall probably hear to-night—the hon. Member for Cambridge (Mr. R. Torrens)—who, while he was in South Australia, was several times a Cabinet Minister, and who told the Committee that in that magnificent nation of 28,000, the only question that divided them was between the “ins” and the “outs.” The hon. Gentleman further stated that the average existence of a Government there was about seven months. No doubt the Prime Minister will take the opportunity of informing the House whether that among others is one of the practical advantages of the Ballot which he looks forward to obtaining by the present Bill. This evidence of the hon. Member was backed up by that of another official witness, who said that there were no party politics there, and that in consequence there was no parity between England, which was an old country, and a new colony like Australia. One statesman of considerable eminence, and who had been a Minister for the large and important colony of Victoria, gave important evidence, a portion of which I shall read. Mr. Verdon said, in reply to the question—

“You stated, did you not, that the Ballot had put down bribery very much?—Yes; but let me rather say that it has prevented it; it has literally come before it. There never has been any great amount of bribery in Victoria, nor will there be in any new country, especially when the franchise is very extended. It is too large a matter, even if candidates were to be found willing and able to bribe; it would be such a very costly business to bribe a sufficient number to turn the scale that it would be hopeless, even if persons were so disposed. Although men there value the honour of being elected Members of the Legislature, it is not so great an honour as to justify them in expending a very large sum of money.”

The fact is, that in a new country without any great varieties of social condition, one expedient is as good as another for voting. But as Sir James Fergusson wisely says, in his despatch, the strain has not come yet. In the course of 13 years, with 28,000 voters, with no great international questions to disturb their serenity, stress cannot be felt for some time. Again, Governor Du Cane says, in his despatch, that in Tasmania there is great apathy, and no desire on the part

of persons whom we should call the leaders of society, to enter into politics. If the same feverish desire to obtain a seat in this House which now exists continues under the Ballot, and if candidates continue to be as reckless and unscrupulous as they now show themselves, they will bribe by results, and in order to secure the voters who will give those results, they will marshal and bring them up in squadrons; the wire-pullers will have a good time of it, and all the other baser classes of electioneering, of whom we hear so much across the Atlantic, will then be all powerful in manipulating the contest. You will find your model not in Australia but in America; and if I had no other reason than the evidence of all which is done systematically in the United States of America, it would be a sufficient reason for me to oppose this Bill. On this head, the evidence of Mr. Hankel, of South Carolina, is much to the point. He was asked—

“Did personation take place to any extent?—Any quantity, to an unlimited extent. Was the system of what is called in this country bottling voters known there?—Very frequently, if it was an excited election at all. Was there any corruption? Unbounded, I should say. Of what kind?—Treating and bribery in money payments, or in any form in which you may conceive bribery to be carried on. Do you know of a fact that persons often voted over and over again at the same election?—I think there is not the slightest doubt of it. The term ‘early and often’ is quite a common term at all elections—north, south, east, and west.”

You see what is the system of the Ballot in America. You may tell me that the Ballot in America is not the Ballot in Australia. I grant that, and I will tell you the reason why. The Ballot in Australia is the Ballot in a young and thinly-peopled country, which has never had an opportunity of losing its character for purity, where strong party questions have not grown up, and where the absence, arising from its natural wealth and its sparseness of inhabitants, neither the very rich man nor the very poor man makes his presence felt. America is a comparatively old country, where the suffrage has existed for generations, till under it men have grown up with as strong party feelings as here, or rather with stronger and fiercer, while the artificial distinctions growing out of the unequal distribution of property exist in almost exaggerated prominence. It would be Quixotic to expect that there will never be the same characteristics in Australia; certainly the mere fact

that in 13 years such a result has not been reached is not the slightest guarantee that it will not prevail, and even sooner than any of us here have reason to expect. In a word, the state of things in Australia is the strongest conceivable reason for not now forcing the Ballot upon the mother country. It has not yet had an adequate trial; it has had no trial at all worthy of the respect of an ancient and settled country like ours. If you really wish to study the working of the Ballot in Australia, and not to use it as a debater's argument in support of a foregone conclusion, that would be a reason for postponing this Bill till a day when you can appreciate a little more accurately than you can do at present its working in this distant colony. In the meantime there is much work to our hand in which we may profitably engage. There is the abolition of public nominations—that is a reform in which I entirely concur. There are means to be devised for taking the poll without the Ballot as quietly, orderly, and regularly as any form of the Ballot would secure. In the University of Cambridge there is absolutely no nomination at all, and the voting is done by cards, on which the voter writes his name and his vote, and then hands them up to the returning officer, who reads them and then puts them into a bag. This system of nomination cannot, of course, be applicable to ordinary elections; but it is at least a hint as to the mode of making them private and not public. Then there is the multiplication of polling places. There are, in fact, an infinity of improvements that might be carried out as a first experiment. Why, then, this hot haste for the Ballot, when there is no visible chance of an election this year, and no reason for one during the subsequent year? Why press on this peculiar crotchet of a small sect of philosophers?—why force on a question for which there is no demand in the country, merely to crowd up an already over-crowded Session? Give the electors more polling places—give them more quiet and orderly nominations—you will probably have single elections enough in the meantime to test the operation of these improvements. We are told by some of the advocates that the Ballot will make no great difference; that the same parties will come in as before. I neither affirm nor contradict the

statement. Then why force on the question?—why not give the next General Election the opportunity of being an open but a quiet and orderly election, and let us see the results? The world is not coming to an end so very soon. Let us go on improving our elections without the Ballot, and if all other means fail, you will then have some colourable reason for offering to the country this nostrum, which, however, I believe to be in its essence so wrong, so degrading, and so demoralizing, that I shall never cease to denounce its introduction, if not to deplore its adoption.

MR. M'CLURE said, he hoped the House would allow him for a few minutes to remark on the probable effect of the leading propositions in that Bill, upon that district with which he was best acquainted—the province of Ulster. He was glad that it was proposed to abolish public nomination. At the nomination for the last election for Belfast, the tumult was so great that the mayor adjourned the proceedings until the day following, so that those who took pleasure in a row had two days' enjoyment of tumult and confusion. As to the question of vote by Ballot, he would certainly prefer, if every voter were in an independent position, that he should give his vote openly and above-board; but when they had reason to believe that many dare not vote according to their conscientious convictions, without the fear of losing or diminishing the means of support for themselves and their families, the question arose—should they leave them in that most difficult and trying position? Now, what was the fact in the counties of Ulster? Was it that any person aspiring to represent the county gave consideration, or attached almost any weight as to what might be the feelings and opinions of the great mass of those electors to whom the law had confined the trust of electing hon. Members to serve in that House? No; it was notorious that the views of the great bulk of the electors were scarcely taken into account; a few large landowners were consulted, and, if they gave their adhesion, the candidate felt quite confident of success. Sometimes the virtual nomination of the county was in the hands of two or three large landowners; frequently some of those who exercise hereditary legislative power in “another place;” but in almost every

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case a very small room would contain all the real electors for an Irish northern county. If these electoral potentates agreed, the matter was generally considered to be settled, and there was no contest; but if they did not agree, or their decision was called in question, then the too usual course was for the landlord to intimate his will to the agent, and the agent directed the bailiff to give orders to the tenants for whom they should vote. But they were told all that coercion was now at an end, as the Land Act had given the tenants protection from eviction without compensation; but a tenant who was out of favour at the rent office might suffer in many ways short of eviction. Allowances and accommodation given to other tenants might be withheld from him. He might be the best farmer in the neighbourhood, but he would get no encouragement, if he set an example of political independence. The tenant-farmers were placed upon the county registry without any act of their own. If rated, they were put on the roll as electors; they had no option. In point of fact, they were a great jury empanelled by the laws of their country. Most of them, under present circumstances, would be glad to be excused from giving any vote; but when there was a contest, they were not permitted to escape. To most men it could not be without some feeling of humiliation that they should receive, through the bailiff, an order how they should vote; but when compliance with the command was known to their families and neighbours to involve the violation of their most cherished convictions, and, as in the case he had mentioned, their promises, it became a painful degradation to inflict upon sensitive and intelligent men. It was bad policy to break down the spirit of manly independence and moral responsibility which they should desire to see animating that great and important class who cultivated the land. He believed that the removal of the present arbitrary control, which was not consistent with the spirit of their free Constitution, would prove beneficial to the character and proper social feeling of both landlord and tenant. The man of property and station would be led to respect the views and sentiments of his more humble neighbours, and the interchange of opinion on public questions would be likely to soften down asperities

and bring about a better understanding and more spontaneous co-operation. It was painfully evident to those who observed the growing jealousy and alienation of classes, that there was danger of the line of demarcation becoming broader and more marked. This was a matter deserving the attention of statesmen, as the safety and welfare of the Commonwealth required that there should be common sympathies and recognition between different classes of their mutual dependence on each other. There were hon. Members who sat for Ulster counties who were held in respect and esteem in their own neighbourhoods, and who, if they would trust themselves fairly to the popular voice, might be returned to that House, not by the nomination of a few landowners, but by the free votes of thousands of electors; and, if so, would occupy a more dignified position, and their course in that House would be entitled to carry greater moral weight, as they would be really the representatives of the people. In fact, that measure, if carried into law, might prove in Ulster an Emancipation Act not only to tenant-farmers from the political serfdom they are under, but also to the county representatives from the thralldom in which they were held by their nominees, who, from class associations and other causes, perhaps, took rather too narrow a view of general policy in public matters. He would be sorry to detract from that legitimate influence which a considerate and improving landowner should fairly exercise in his own county and neighbourhood; but he would be unworthy of the place he held, being returned by the free and uncontrolled votes of the electors of the capital of Ulster, if he did not protest against and denounce in the strongest manner possible the system of coercion in election matters too often practised on the tenants in the North of Ireland. He trusted that the result of that measure would be to give the hardy and industrious sons of Ulster the proud feeling that they were really free citizens of that great Empire, entitled to exercise an influence on its councils through their Representatives, and that all, in every part of the kingdom upon whom the Legislature conferred the franchise, would be protected in the conscientious discharge of the duty thus conferred upon them. Believing that the proposed measure was fitted to effect that object,

he was prepared to give it his hearty support.

MR. LIDDELL said, that after the many very able and exhaustive speeches which had been delivered on the subject, he was afraid that he could offer only a very few common-place remarks to the attention of hon. Members. The measure before the House came recommended by high sanction. It had been recommended by a Committee largely composed of Gentlemen formerly opposed to the Ballot, but who had become converts to the system in consequence, he supposed, of what they had heard in that Committee. The House had just listened to a very able speech of the noble Lord who was Chairman of that Committee (the Marquess of Hartington), and he (Mr. Liddell) went thus far with him—that if he thought the effect of adopting secret voting would be the extinction of that party whose principles and history he had sketched, it would be an additional inducement, if he wanted such, to make him oppose this measure. But the noble Lord seemed also to base his advocacy of the Bill on its special applicability to Ireland. Now, they had already had a great deal of special legislation for Ireland—rather too much; but it was because he thought the measure was specially inapplicable to England that he would offer it his most strenuous opposition. The Bill was not only recommended by the Committee, it had received, they were told, the unanimous support of the Liberal party. He wished to call attention to the fact that the advanced Liberals had always recommended this measure. In addressing a deputation lately, the right hon. Gentleman the Vice President of the Committee of Privy Council told them he was glad they liked his Bill, “because it was always a matter of pain to him when he found himself differing from the thoughtful men of the age.” Well, it was precisely because this Bill was advocated by the advanced Liberals that he was induced to ask that House to think seriously before they adopted it. With great respect to the advanced Liberals, his complaint was that they did not think enough, and were too apt in their enthusiasm for change to forget consequences, and keep results out of view. That House was in a favourable position to judge of the results of secret voting. They had the example of America be-

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fore them, and it was a peculiar circumstance that the Committee forbore taking much evidence from America, although that was the birthplace of the Ballot. There was only one witness from America who had had a great deal of experience in that country and also in England, and he said that he preferred the English system. Why? Because it was carried on openly, secured greater purity of election, and afforded greater facilities for detecting political abuses. The hon. Member for Huddersfield (Mr. Leatham), on Thursday night, finding that his case, resting on American experience, was very weak, found a great deal of fault with a distinguished man in this country—Mr. John Stuart Mill—unfortunately because he was dead against the Ballot; and said that with regard to any arguments against it drawn from the operation of the Ballot in America, he would make a present of them to the Opposition. Now, what was the great argument raised upon the operation of the Ballot in America? The impracticability, if not the impossibility of imposing on a free country a compulsory secret Ballot. What was the fact? It was optional with every citizen to vote either secretly or openly for whomsoever he pleased, and he preferred to vote openly. What was the case in Massachusetts? The law of that State had twice declared that voting should be secret, and twice had the people rebelled against that law, and open voting was now the practice, although the law enacting that it should be secret still remained on the Statute Book. There was but one spot on the habitable globe where the Ballot was said to be attended with success, and that was Australia. In Victoria it had been distinctly shown that the abuses which the Ballot was intended to correct had never existed, and he therefore declined to accept the case of Victoria; moreover it was not secret voting in Victoria, for every vote was ticketed to correspond with the voter's number on the register. South Australia was the only place where the Ballot was secret. The evidence showed what was the effect of secret voting on the election of Members, and also the class of persons it was likely to produce as representatives, and it was the composition of the Chamber that was really the important matter. He would ask the attention of that House to the evidence of

a warm advocate of the Ballot, the hon. Member for Cambridge (Mr. R. Torrens), who was asked if the political opinions of those elected remained much the same, or had been altered in accordance with the change in public opinion. He replied that their political opinions had been altered—that a man could not be consistent under such a system as he had described—that if his opinions ran counter to public opinion he would lose all his power, he would be turned out of office, and would be unable to obtain a seat in the Legislature. He supposed the hon. Member would say that that description of the operation of the Ballot in South Australia must be taken in connection with universal suffrage. [Mr. R. TORRENS: Hear, hear!] Although they had not got universal suffrage, they had a very extended suffrage, and he would be a bold man who could say that an attempt would not be made to make it universal. There were three great results obtained by a widely extended suffrage in connection with the Ballot in South Australia. One was the extinction of party; the next was the instability of public opinion, which showed itself by seven months' Ministries—that being about the average duration of a Government in South Australia; and the third was the political immorality of the representatives, who might be described simply as political adventurers. Now, he did not wish to see such men finding their way into that House. It had been argued that the Ballot was a necessity. But it had not been shown in what that necessity consisted. One of the great arguments in favour of a large and extended suffrage was that there was safety in numbers. It was said that there had been great corruption and vice amongst the small constituencies under the Reform Bill, and that if they were swept away, they would be free from bribery and corruption. But now it was stated that the Ballot was a necessary corollary. Then it was stated that there had been a vast amount of intimidation, and that assertion was backed by the authority of the right hon. Gentleman the President of the Poor Law Board. Now, what did the Judges say on that point? Mr. Justice Blackburn, speaking not only his own opinion, but the opinions of two other of his learned brethren on the Bench, said, that although intimidation was

alleged in every one of the nine Petitions which had come before them, there was only one case in which it had been made out. Now, where was it that intimidation was said to exist so largely, and to have been exercised so detrimentally? How was it that the Liberal party at the last election obtained a majority of more than 100 in that House if that intimidation had been exercised so detrimentally to their party? There was some remarkable evidence from Wales on that point. An Independent minister from Merionethshire stated that there were two great landed estates in that county where coercion had been practised at two elections to such an extent that the Tory candidate in each case was returned; but when it came to the last election there had sprung up under the Reform Bill a new class of voters—working “quarrymen”—who had acquired the vote in respect of their houses, and who had offered such a bold front to the enemy that they frightened the Tory candidate out of the field. If those independent quarrymen were honest without the Ballot, and could frighten the Tory candidate out of the field, what became of the argument that the Ballot was absolutely necessary for the protection of the working men? He believed that they were quite able to take care of themselves, and he should therefore be no party to any special legislation on their behalf. The hon. Member for the Isle of Wight (Mr. B. Cochrane) stated the other night that he had such confidence in the working men that he would gladly trust them with the Ballot. Well, he (Mr. Liddell) also had confidence in the working men—he had confidence in their independence, in their hardihood, and in their straightforwardness; but he thought it was an odd way of proving one's confidence to pass a special Act of Parliament in order to protect them when they went to the poll. One witness stated before the Committee that if the Ballot were adopted in Wales it would put an end to all contests there. But what did that mean? It simply meant the extinction of political life, and the creation of a dead level of thought and opinion out of which no one would care to rise. What had been the result in other countries of a wide suffrage and vote by Ballot? The result had been to withdraw from public life those men who were most capable of

doing great and good public service. That was a state of things which he should very much deprecate. His great objection to this measure—and he was not ashamed to avow it—was, that it was destructive of all influence, and that was designedly its purpose. Now such a destruction of influence was a thing to be deplored, because there were all sorts of influence—both good and bad influence. ["Hear, hear!"] Perhaps that cheer meant that with the Ballot the good influence would not cease to have its effect; but it should be remembered that men themselves were of two classes—good and bad—and if a voter were withdrawn from all influence of public opinion the result was to encourage the bad motive that lay at the bottom of all political corruption. It was not to be imagined that by throwing the cloak of secrecy over the vote that men's minds would be purged of corrupt motives. The right hon. Gentleman the President of the Poor Law Board said the other night that though, when the suffrage was restricted, this measure was a Radical one, yet now that the suffrage was widened, it was a Conservative measure. But the suffrage was still restricted, and until it reached the point of universal suffrage, the Ballot never would be Conservative, whatever it might be then. He would not argue the question as a party question, however, for he thought that one of the pleasantest features of this debate had been that the subject was discussed on higher grounds than those of mere party. He objected to the Bill because it was a democratic measure in the true sense of the phrase, involving, as the term did, the government of the country by those who were least competent to govern. He thought it was of the greatest value and importance that the lower class of voters should be left to the influence of the example, the education, and the intelligence of those above them. He knew it was said that all that would remain as it was before, but what he maintained was, that where there was a corrupt motive in a voter's mind, that motive would be encouraged and increased by enabling the man to record his vote in secret. Nobody yet had ever attempted to explain why it was that the only man to be withdrawn from the wholesome influence of public opinion was the public voter in the discharge of

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his political functions. But the Committee had ably summed up all the objections to the Ballot, including the statement that the vote was a public duty, and should involve public responsibility; that the adoption of the Ballot would lead to hypocrisy and dissimulation; that it would do little to restrain treating; that it would increase bribery by rendering its detection difficult; that it would be wholly inoperative against spiritual intimidation; and that it would facilitate personation. He did not wish, indeed he was unable to add anything to that sweeping bill of indictment against the Ballot, but he could scarcely understand how the Committee could come to the feeble conclusion, that on the whole they thought the Ballot possessed many great advantages. These, then, were the reasons which induced him to oppose this measure, and he trusted that they would weigh with many of those hon. Gentlemen whose minds might yet be wavering on the question. If that measure became law, he believed it would aggravate the evils in the electoral system. No doubt it would cure some, such as intimidation at the poll, and riot, but those were not all the evils of the system, and the Ballot, he believed, would be attended by much greater evils than it professed to cure. History showed that the Ballot had been accompanied by all sorts of corrupt and shameful practices from the time of Pliny downwards, and if unhappily such should be the result of the adoption of secret voting, he would say to the Prime Minister, in the words of that eminent and accomplished writer—

"Quo te violas que remedia conjuras ubique
vitla remediis fortiora."

Mr. PLATT said, that from his own experience in a large and populous borough, he believed there were other persons besides landowners and manufacturers who brought influence and intimidation to bear upon voters. At contested elections in his own borough, for many years the small shopkeepers and tradesman, for fear of violence, had had to place in the windows of their houses the names of the candidates for whom they intended to vote, and sometimes pickets were actually stationed near a tradesman's shop to stop customers and try to induce them not to deal with them. This was what was done by those turbulent and unscrupulous men who formed

a minority of the operatives in large and populous boroughs, and who were at the bottom of all strikes. The great body of the operatives were often forced into strikes by these men in opposition to their own inclinations, and to what they believed to be their own interests. Only the other day a strike occurred in the borough he represented, and it was universally admitted by every manufacturer in the borough, that if a Ballot could have been taken among the workmen, there would have been no strike at all, but the operatives would at once have accepted the arbitration which was offered by the masters. The conclusion, therefore, that he drew from the proposed adoption of the Ballot was quite opposed to that drawn by the hon. Gentleman opposite the Member for South Northumberland (Mr. Liddell). He believed the Ballot would have a Conservative influence, because it would eliminate from the elections the rowdiness which now existed, and would take away the power possessed by small sections of the working classes. The Trades Union Bill, which would soon become an Act, would make trades unions legal, and the two parties which would come into competition would be their delegates and the employers of labour. If those trade societies once got into the hands of turbulent men there would be a great evil to overcome, and the Ballot would act as a protection to the more reasonable members, and help to curb the powers of those who wanted to create disturbance. At present, when a decree went forth from one of those societies, it originated with a few persons, though the great body of the members of the society felt bound to obey it, and support their executive; and it was well known that if they had the protection of the Ballot—that being the universal opinion in regard to the strikes which recently took place in the borough he represented—the mass of the artisans would prove in favour of moderation, and accept, for instance, the arbitration which in the case referred to had been offered by the employers.

MR. J. HARDY said, that when the late Mr. Berkeley brought forward his annual Motion, he used to take up his place on the front Opposition bench, whether anticipating that it would one day become a Cabinet question or not, he (Mr. J. Hardy) could not say. Then the question was disposed of at once.

and the House divided shortly after Mr. Berkeley sat down. It was truly wonderful that that question, after being despised and rejected of men, should become a Cabinet question, and that the Prime Minister should take up the crumbs and scraps of the Chartists, and make them into a sop to throw to hon. Gentlemen below the gangway, who were always hungry and thirsting for change. He (Mr. J. Hardy) had listened with great attention to the speeches which had been delivered, especially to that of the hon. and learned Member for Taunton (Mr. James), who was, however, obliged to admit that it would be a humiliating day for England when such a measure as the present was passed. Judging by his own experience of elections the Ballot would not put a stop to bribery, as there would always be people clever enough to manipulate the constituencies, and to give a hope to the corrupt electors that if their candidate was successful they would be rewarded. The evidence in regard to the Norwich election revealed a class of men who did not care on which side they voted, and who could not even be moved to the poll without some promise of money or drink, and such men could easily be influenced, whether the Ballot existed or not. Indeed, a cloak would only be thrown over such action by the Ballot. He believed every man should be allowed to vote according to his conscience, but that public opinion should also be permitted to exercise its legitimate influence. Why should constituencies have to bear the odium of returning a man sympathizing with Fenianism, to talk in that House treasonable sentiments such as they had recently heard from one of those benches? He was surprised that the measure should be supported—nay, adopted—by the right hon. Gentleman at the head of the Government after opposing it throughout a long life. The Conservatives were sometimes taunted with changing their opinions; but if they changed their minds once in ten years, that was a different matter from changing them every time they changed their clothes, as was the case with hon. and right hon. Gentlemen opposite. The right hon. Gentleman at the head of the Government, when he wanted to extend the franchise, had nothing but flattery for the working classes—they were then “his own flesh and blood;” but now, when he desired to pass this measure, to please his rest-

less followers below the gangway, he had no faith in them, and was about to confess to Europe that he had no confidence in his countrymen, so apt were they to be intimidated, so steeped in bribery, so impossible to trust. This cloak of hypocrisy should be thrown over them that they might be able to perform their duties; and in order to pass such a measure, which had hitherto been treated with contempt, all legislation was brought to a standstill, the Ballot being made the keystone of legislative procedure. He begged the House to pause before they passed such a measure, for which nobody had asked, and in favour of which no Petitions had been presented to that House, nor had there of late been any public meetings held approving of its becoming an institution of the country. All allowed the Ballot would be a doubtful good, while the evils attending it were such as to make them pause before they took a fatal step which they could not retrace.

MR. R. TORRENS said, he would confine his remarks to his experience in Australia. He had the honour to be elected for the City of Adelaide under the Secret Ballot, and had repeatedly recorded his vote both in municipal and Parliamentary contests, and his experience was that the Ballot was the best remedy for most of the evils which marked the electoral system in this country. It would at once put a stop to rioting, which had arisen in Australia to a height almost equal to that of Ireland. Before the Ballot he had seen, on election days, brickbats flying about, heads broken, and men carried off on stretchers to hospitals. After the Ballot the elections passed off so quietly that no stranger passing through the street at the time would have been aware that one was going on at all. Intimidation and bribery were entirely put an end to by the Ballot, though prior to its introduction there had been a great deal of bribery. When he said that elections to the House of Assembly had cost, in some cases, considerably over £2,000, though the constituency was only between 2,000 and 3,000 strong, hon. Gentlemen would understand from their own experience that the expenses were not of the most legitimate description. Since the Ballot he believed that no contested election had cost £250. The right hon. Gentleman opposite the Member for the University of Oxford (Mr. G.

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Hardy) appeared to think that a man who recorded his vote under the Ballot would walk away, after doing so, with a feeling of degradation and shame. Now, he must say, that though he had repeatedly voted under the secret system no such emotions had accompanied the act; and, further, that the many high-spirited and honourable and educated gentleman whom he had known in Australia had been equally free from them. The hon. Member for South Northumberland (Mr. Liddell) had asked several questions, which he would answer to the best of his power. The hon. Member had begun by saying that it was not extraordinary that persons should give evidence for the Ballot who had always advocated its introduction. He begged to say that he did not fall within that category. He had consistently opposed the Ballot in Australia, under the influence of the arguments of Mr. Mill, Lord Palmerston, and others. But he had been converted in favour of it against his previous convictions by his personal experience of its advantages. The hon. Gentleman had also asked what sort of persons would be returned under the Ballot, and had referred to some observations of his (Mr. R. Torrens's) upon Parliamentary institutions, which he had exclusively directed to the effects of responsible government, combined with universal suffrage; and he could assure the hon. Gentleman now, that if ever the question of universal suffrage—at all events, prior to the advent of universal education—was brought before the House, he should be one of the first to offer it all the opposition in his power. As to the working of the Ballot, perhaps the House would allow him to narrate his own experience. He was first elected Member for the City of Adelaide after a residence of 17 years in the colony in connection with its government. He was looked upon as the Leader of the Conservative party, because he had always opposed the introduction of universal suffrage and the Ballot, and had always been in favour of State aid being given to all Christian denominations. Those were the three great questions which separated the so-called Conservative and Radical parties. He was absent for more than six months prior to the election; and being looked upon as the opponent of the working classes—as a politician who wanted to withhold from them the suffrage and

the Ballot, the odds were thought to be 20 to 1 against his being returned. His friends put him up as a candidate in his absence, and he arrived at Adelaide the night before the election; and he was returned at the head of the poll far above any other candidate by about 3,400 votes. He thought that that example ought a little to encourage hon. Gentlemen opposite. He confessed freely that he believed he should not have been returned if the Ballot had not been in existence. He thought that there was much more hypocrisy in open than in secret voting, and that hundreds of men supported him on the occasion in question who would have been ashamed in the face of the working classes, openly to vote for the candidate who was supposed to be opposed to them. Reference had been made to a statement of his, that there were no Whigs or Tories in Australia, and hence it was contended that the Ballot there might be a very different thing to the Ballot here. But that was not so. For the purposes of this argument it mattered not what the parties were called so long as party feeling existed, and upon such questions as the appropriation of waste lands, denominational rule or education, and State aid to religion, a highly excited public opinion had given its decision under the Ballot. With great respect for the experience and ability of Sir James Fergusson, he must therefore disagree *in toto* from his assertion, that the Ballot in Australia had not been put to any severe test to try its efficacy; for having himself gone out to the colony when it was yet a forest, and having taken a part in raising it from a handful of people to a large and thriving settlement, he might, perhaps, put his evidence in competition with that of a colonial Governor who, however able, had resided there only a couple of years. He could not tell what Sir James Fergusson might deem a test of the Ballot, but if he meant that questions of a character to bring popular opinions and passions into play, and to excite party collisions, were not raised in that country and decided under the Ballot, he was greatly mistaken. Though he was unable to coincide with the main arguments in the speech of the hon. and learned Member for South-west Lancashire (Mr. A. Cross), he was glad to bear his testimony to the clearness and force with which the hon. and learned Member had demonstrated the

utter inutility of the non-secret Ballot as practised in France and America. The truth was, that the Ballot admitted of no compromise—no middle course. It was not enough to provide measures which might possibly afford protection for the vote of the elector. It was further necessary to adopt such a measure as would afford him absolute assurance that the side on which he cast his vote could by no possibility be discovered. The proofs of personation and bribery were entirely independent of the question as to how the vote had been given, and therefore there was no necessity for tracing out the vote. It had never been argued that the Ballot would check personation although it did not afford greater facilities for the offence than the present system. The remedy for personation lay in the publicity which was given to the act of claiming the vote; and he would caution the right hon. Gentleman in charge of the Bill against carrying the idea of secrecy in voting beyond what was absolutely necessary. Secrecy was necessary in regard to the party in whose favour the vote was being cast. To the fact that the man had voted the utmost publicity should be given, and, therefore, he had placed on the Paper an Amendment, to the effect that the voter should stand before the polling-booth with his hat off while his name and qualification were called aloud. With severe penalties for personation, proposed in the Amendment of the hon. and learned Member for Taunton, he could not conceive that any man would run a risk of detection for any moderate bribe. He was glad to see the improvements which had been made in the Bill as it now came before the House; and it was because he saw in it a counterpart of the measure, with the effects of which he was so satisfied in Australia, that he should give it his cordial support.

DR. BALL*: Sir, it is not my intention to follow the course pursued by some previous speakers in this debate, who have discussed the question of secret voting from an Irish point of view. This is not because I dissent from the opinion expressed by more than one of them—that the measure is likely, in the peculiar circumstances of Ireland, to operate disadvantageously upon its representation in this House; but because I am opposed to exceptional legislation for that country—whenever it can be avoided—as tending to foster the notion that

there exists some radical and unalterable difference between the circumstances and nature of the English and Irish people, necessitating different laws and institutions, and justifying the great demand for separate Parliaments, as alone capable of dealing with the essential diversity of their social condition. Moreover, if the districts in Ireland most affected by influences calculated to render the practical working of the Ballot injurious, be compared with the remainder of the United Kingdom in wealth, population, and general progress, their relative proportion will not be found such as would justify, on their account, any peculiar provisions. One only further remark in reference to Irish affairs, I desire to make—that, if the sentiments expressed to-night by the noble Lord now Chief Secretary for Ireland (the Marquess of Hartington), discountenancing the existing mischievous agitation for legislative independence, have been correctly reported to me—for I had not the good fortune to hear them—the best Irish measure that has proceeded from Her Majesty's Government was the appointment of the noble Lord to his present office. Approaching, then, the proposition to take the votes at Parliamentary and municipal elections by way of Ballot, and regarding it irrespective of local incidents and circumstances, I agree with the hon. and learned Member for Taunton (Mr. James), who spoke with such ability and candour in favour of the Bill this evening, that discussion of the abstract question of secret voting is exhausted. It was exhausted long before this debate began. It is as old as Greece and Rome. You heard the opinion of Pliny cited to-night by my right hon. Friend the Member for Oxford University (Mr. G. Hardy); and, to refer to another great writer and statesman of antiquity, Cicero, in one of his treatises, has presented the opposing views and arguments current in Roman society upon the subject. The practice, too, of secret voting is equally old, for, at Athens, Ballot was used in the judicial tribunals, and at Rome, in the election of magistrates and the confirmation by the people of laws. Coming to modern times—the political thinkers of France and England have contributed whatever illustration learning and philosophy can bring to the controversy. In this House for 40 years—ever since, in 1830, Mr. O'Connell proposed to insert in the East Retford Bill a clause

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providing that the votes of the new constituency should be taken by Ballot—there have been nearly annual debates upon the subject, the more important of them conducted with consummate ability. Accordingly, with the exception of two new subjects, and the topics connected with them, the present debate has proceeded very much upon the old illustrations and arguments. These two new subjects are—first, the Report of the Select Committee on intimidation and bribery appointed in 1869, and the evidence upon which it is based; and, secondly, the alteration in the character of the electoral body caused by the extension of the franchise under the recent Reform Act. Both are much relied upon by the advocates of the present Bill, to strengthen and maintain their position—the Report as giving the sanction of the majority of the Committee to its provisions; and the extension of the franchise, because it introduces into the constituencies a class less able to protect itself, and also because it is said to remove the reasoning which, so long as the right to vote was confined to a limited number, required publicity in its exercise with a view to supervision by the excluded portion of the community. With respect to the Report, it has already been pointed out that its recommendations are not unanimous; that except such of it as relates to the working of the Ballot in the Australian colonies, the balance of the evidence is doubtful; and in particular that with respect to the degree in which bribery and intimidation operated in the English constituencies at the last General Election, the testimony of the Judges of Election Petitions who were examined before the Committee tends to the conclusion that there has been much exaggeration. And, as to this last observation, I do not understand the hon. and learned Member for Taunton much to dissent from it, so far as it purports to sum up the result of the evidence before the Committee, but rather to meet its force by re-calling to our recollection that the most universal form of intimidation—the undue influence of the superior upon the inferior, is of too subtle a character to be always tangible and capable of cognizance by legal tribunals, and to assert that this particular form is most extensively and oppressively used at English elections. An assertion of that kind confined to England, made by one whose legal expe-

rience gives him peculiar sources of knowledge, I do not think an Irish Member the proper person to controvert; and I leave it to be dealt with by others more intimately acquainted with the facts by which it must be tested. For that reason, and not as conceding the accuracy of the statement, I pass from it to consider another subject of evidence before the Select Committee—namely, the example of our Australian colonies, which has been pressed in support of the present Bill, by the speaker who immediately preceded me (Mr. R. Torrens), himself a high authority upon the matter, from his experience as a Member of one of their Parliaments. I think it must be conceded that the testimony from Australia, given before the Committee, established that, so far in that country, secret voting has worked satisfactorily. I admit also, that the despatches from the Governors in Australia, which have been laid on the Table of the House, and to which the right hon. Gentleman the President of the Poor Law Board (Mr. Stansfeld) referred, support the same conclusion. But granting this, what additional weight is cast into the scale in favour of the present Bill? Little or none. For who can contend that that new information suffices to annul previous reasoning, or is even of importance enough to modify it—one instance, brief in time, limited in extent, peculiar in local circumstances, to overturn the conclusions of an induction embracing the greatest nations of every age. Looking even merely to a comparison of Australia with the mother country, the social condition of each is so wholly different, that no precedent for the latter can be drawn from the legislation of the former. There you have society in its growth—no artificial or complicated relations to deal with; questions, not of vital interest; men rather than measures; the voters independent; owners, not tenants of the soil; and workmen not seeking, but sought, for employment. Here you have old institutions; a highly artificial state of society; a competitive struggle for the rewards of labour; the owners of land and possessors of capital few; the occupiers of land and the employed of the capitalists out of all proportion numerous. The contrast has, however, been already this evening pointed out in the acute observations of the hon. Gentleman the junior Member for the Univer-

sity of Cambridge (Mr. B. Hope), and I pursue it no further. Sir, if the assertion had been that secret voting was in all times and places to be condemned, that under no circumstances was it justifiable in principle or expediency, the precedent of Australia would be of importance in answering or qualifying it. But I do not understand this to be the conclusion of history or philosophy. Open voting is preferable—*nil in suffragiis roce melius*. Such I believe to be the opinion of statesmen, both in ancient and modern times. It was not denied by the right hon. Gentleman the Prime Minister last year, nor is it now denied by the right hon. Gentleman the President of the Poor Law Board (Mr. Stansfeld). Such also I believe to be the instinctive feeling of the people, whose sentiments are expressed in the sentence of the philosopher—"Everything that is secret is at least ambiguous in character." But policy and circumstances may require the adoption of a less perfect system. No uniform inflexible rule of conduct can be laid down. In like manner, it is impossible upon a historical review of the practical operation of secret voting in different countries, and under varied social conditions, to arrive at any uniform judgment. Not referring to colonies, even though they may give promise of advancing into nations, but confining illustration to three great countries—Rome, France, the United States—in all of which Ballot was adopted, the results are not the same. At Rome its introduction was a grave political error. Gibbon and Montesquieu—and when they agree, I have little faith in the dissentient—concur in reckoning it among the causes of the decline and fall of the nation; while in France and the United States, there seems no reason to suppose that the course of affairs or the current of events would have been altered by public voting. Even in the same country the period of its history, when the experiment is tried, may have no small influence upon the result. In the early stages of national progress, when habits and manners are unformed, and custom a thing unknown, it is comparatively easy to mould and fashion modes of procedure; but how different at a later, when all is fixed and hardened and, as it were, incorporated into the very frame and body of your social life. These general conclusions, the Australian example does not disturb—it adds another,

but not an important item in the aggregate of instances on which they are founded. Then, if used as being itself a guide for this country, the conditions of the experiment in each place are necessarily so dissimilar, that no certain inference can be drawn. Both before the Select Committee, and in this debate, its value has been overrated. It may, however, be said, and not unfairly said, that although in this way I may make some progress in disposing of the existence of Australia when urged to show the safety of introducing secret voting here—yet that does not meet the proof it affords, that by Ballot the evil practices attending elections such as bribery and intimidation are diminished. But, Sir, the former and not the latter is, I acknowledge, to my mind, the paramount consideration. Before entering upon details, practical benefits, or advantages, it is to be shown as a condition precedent to entertaining the proposition at all, that it is consistent with our institutions. For it is to be remembered that we are not seeking a Constitution; we are not engaged in an inquiry whether one form of government is superior to another. No, our lot has been cast under that mixed system, the dream of antiquity, realized in Great Britain alone; Monarchy with hereditary succession; a Legislative Chamber with hereditary succession; an elective Legislative Chamber; and no matter what compensating effects a measure may bring with it, if it peril the existence of that Constitution, all these advantages avail nothing to recommend it. Our primary, our immediate duty is to reject it. Sir, when I come to observe upon the recent extension of the franchise, and the present circumstances of this country, I shall offer some reflections bearing upon the tendency of secret voting to lessen the security of our institutions. But, previously, I feel called upon to notice the claims advanced on its behalf, as a remedy against prevalent evils. These have been classified by the hon. and learned Member for Taunton under the three heads of treating, bribery, and intimidation, including within the last what perhaps is more correctly termed undue influence. With respect to the two first, he seems to me not to rate highly the remedial operation of secret voting, and to rest his case in its favour, almost altogether upon its efficiency to terminate intimidation and undue influ-

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ence. Now that against one species of intimidation it will afford considerable protection, I think must be admitted. It will, in my judgment, largely abate, if not altogether terminate, the use of violence and force during the time of polling to compel an elector to vote according to the popular feeling. But as has been already pointed out by my hon. and learned Colleague (Mr. Plunket), in instances where the violence is intended not to coerce, but to prevent a vote, and to hinder those whose opinions are known to be antagonist to the popular sympathies from coming to the poll, it supplies no motive or reason for its discontinuance. Such a case was the election for Drogheda, already alluded to in this debate; where clergymen and gentlemen out-voters, notoriously Conservative in opinion, notwithstanding an armed force accompanying, where assailed not in order to affect, but to obstruct their votes. I also am not prepared to deny that in large constituencies, if in such there existed the exercise of influence by the superior on the inferior or dependent, vote by Ballot would tend, and probably be effective, to its diminution and perhaps extinction. But I cannot extend that admission to small constituencies, because in such I believe the detection of the vote neither difficult nor improbable. Now, what is the exact value to be placed on these results. The first is not much demanded by actual occurrences; for instances of open force and violence are rare. It might, too, be attained by other precautions. The presence of an adequate force to keep the peace is generally found in Ireland sufficient. Besides, the fear of subsequent judicial proceedings and of punishment, particularly since the recent Corrupt Practices Act deters. Thus, since the masterly judgment of Mr. Justice Keogh in the Drogheda case, explaining the law and vacating the seat on the ground of intimidation, notwithstanding many exciting election contests subsequently in Ireland, there has been no repetition of similar violence, the people feeling that the law could not be violated with impunity. Then as to the second—protection against influence is more needed in small than in large constituencies, for when the electors are numerous it is more difficult to interfere with them, and they afford courage and aid to each other. There is also room for apprehension, lest with the Ballot there arise a demand for

enlarged constituencies in order to give it the most effective operation; and can anyone doubt that such an increase of the areas and numbers of the electoral districts will be attended with consequences different, no doubt, in kind, but not less pernicious than any the Ballot is intended to prevent? The noble Lord the Chief Secretary for Ireland (the Marquess of Hartington) who also spoke to-night in support of the Bill, is, however, more disposed than the hon. and learned Member for Taunton, to consider the prevalence of bribery such as to require a remedy, and to rely upon vote by Ballot as that remedy. The noble Lord thinks it improbable that the candidate will bribe, when the vote being concealed, he cannot feel certain of it. The answer has been given before. Public opinion deems a promise binding—hence promises will be asked, will be relied upon, and rewarded—further, in the great majority of instances will be kept. It was for bribery at a Ballot, preliminary to the election, and not at the open voting of the election, that recently a successful candidate for Bristol was unseated. Then there is such a thing as bribery for results, rewards for success, whereby it becomes the interest of the elector not merely to vote, but to canvass. The greatest experiment ever made of vote by Ballot was at Rome, where it was introduced about 600 years after its foundation, and continued for centuries. There it diminished the influence of birth and station, and ultimately increased that of wealth and corruption. Within 70 years after votes began to be taken in secret, six laws, each more stringent than the former, were obliged to be passed to stay the bribery universally prevailing. But they were passed in vain, for the system only became more and more perfectly organized, and was carried out not by dealing with individuals, but with the leaders and managers of combined bodies of electors. Look at the picture of society at Rome after all these laws, and with secret voting, as drawn by the hand of a master. I cite from a work of much learning and research, illuminated everywhere by a penetrating and inquiring spirit worthy of Montesquieu or Tacitus—*The Life of Cæsar* by the Emperor Napoleon—

“The elections had for a long time been the result of a shameless traffic, where every means of success was allowable. The sale of consciences had so planted itself in public morals, that the

several instruments of electoral corruption had functions and titles almost recognized. Those who bought votes were called *divisores*; the go-betweens were *interpretes*; and those with whom was deposited the purchase money were *sequestres*. Numerous secret societies were formed for making a trade of the right of suffrage; they were divided into decades, the general head of which obeyed a supreme head, who treated with the candidates and sold the votes of the associates either for money, or on the stipulation of certain advantages for himself or his friends. These societies carried most of the elections.”

This, Sir, is an example more pertinent than the experience of a colony or new country. Rome at that period resembled us in extent of territory, established renown, great inequalities of rank and fortune between different classes, and was engaged with many of the social problems and difficulties that now encompass our progress. I do not, however, mean in referring to it, to deduce that Ballot of itself creates bribery; although it is true that some increased facility is afforded by the attendant secrecy, and some fresh impulse given by the removal of that influence, be it due or undue, which excludes its presence. For there is truth in the saying of Gibbon, that bribery is an infallible sign of constitutional liberty since the elector subject to control can no more sell than he can make any other free disposition of his vote. I am content should the precedent suffice to establish the more limited proposition, that if a people be corrupt, in vain will you enact laws or decree secrecy; that beans and Ballot-boxes avail nothing to prevent bribery. If one man is willing to sell what another covets, despite alike of penalties and secret voting, the traffic will proceed. On these topics, however, I delay no longer. This of all portions of the subject, has been the most discussed in the present as well as former debates. What is new now more demands our attention. Have there since the old decisions, at which this House under the guidance successively of Earl Russell, Sir Robert Peel, and Lord Palmerston, by large majorities arrived, rejecting the Ballot, been alterations in our electoral system, rendering it necessary or expedient? Do the Reform Bill of 1867, and consequent extension of the franchise, as is alleged, in themselves warrant a review and reversal of those decisions, however correct, when made? The first result said to follow from the increased numbers admitted to the right of suffrage, is that it disposes

of an argument much relied upon by Lord Palmerston and, if I mistake not, also by Sir Robert Peel against the Ballot. The franchise is a trust; the electors stand in a fiduciary relation to the unenfranchised portion of the community; the latter have a right to know and to scrutinize how the duties connected with the trust have been discharged by the limited portion in whom the whole community vested it. But now, when much the greater proportion of the people have obtained the right to vote, the residue, in respect of whom alone this fiduciary relation arises, are so few that the obligation to them either ceases, or is reduced in extent and amount to a degree not deserving to be taken into account. It has been shown already by my hon. and learned Colleague (Mr. Plunket) that, as a fact, the enfranchised still bear but a small proportion to the unenfranchised. The number of the former has been increased, and of the latter in proportion diminished. But mere variation of number, even if it were more than has occurred, cannot destroy a relation of this kind. If there were a trust, it must continue so long as any objects, be they more or less numerous, continue. It is absurd to talk of the addition of a million or two from the whole population to the electors, being capable of terminating the responsibility of the latter, if it ever existed. To effect this, strict logical reasoning would demand the total absorption of the whole community into the electoral body, in other words, universal suffrage. But the truth is, reasoning of this kind is fallacious, and illustrates the danger of determining great questions by arguments drawn from analogies, and the incidents of what appears analogous. *Nullum simile est idem.* What is like is not the same. See, for a moment, where such a line of reasoning leads in respect of the subject in hand. The franchise is a trust; therefore the limited number of electors must surrender their convictions to the demands of their *cestuis que* trust, the masses of unenfranchised; the franchise is a privilege, therefore the elector may use it for his own personal advantage. Accurately speaking, the franchise partakes of the nature of a trust, and of the nature of a privilege; but it is not strictly one or the other; certainly not so as to engraft into its own nature all the incidents of either, or enable its existence, or the conditions of

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such existence, to depend upon reasoning applicable to those incidents. Probably, if for illustration, the aid of analogy be sought, power more nearly than either trust or privilege meets what is required. But from this substitution the advocates for a secret and irresponsible vote gain nothing, for in created intelligences power must be accompanied by a sense of duty in its exercise, and accountability for its right use. It is, however, neither, Sir, from illustrations nor analogies that we can decide the effect of the extension of the franchise upon this question. As with every other political subject, so here also we must presume the inquiry among realities and practical results. From this point of view, another reason given for holding this extension to necessitate secret voting is important and requires examination. It is said that as you descend in the social scale, when fixing your standard of electoral qualification, improper influences increase in force, and the voter becomes more and more in need of protection. If only a small number had been admitted, there would be greater force in this argument. But when, as has happened, the additions from this class are numerous, the very number prevents influence being exercised, and affords a defence against it if it be. But, Sir, the truth is that in discussing this topic, as well as others connected with vote by Ballot, the error of its advocates lies in exclusively fixing their attention upon external impediments to the right use of the suffrage—on the intimidation that coerces, or the bribery that corrupts it. They overlook that there are internal impediments, of even more mischievous tendency, which secret voting not only does not abate, but, by withdrawing counterbalancing influences, promotes and strengthens. Private interests, individual advantages, local and temporary passions and prejudices, obstruct or overpower the unbiased consideration of the public welfare. But so long as the vote is open, these inferior motives of action are counteracted by the effect of example, the public opinion of the educational classes, the desire of esteem, and the apprehension of censure. This is what Gibbon pointed at, when he spoke of “the aspect of a grave magistrate being a living burden to the multitude.” What Pliny, when in reference to the Ballot, he exclaimed—

“Multi famam, pauci conscientiam verentur.”

It is in the isolation of secrecy the instincts of selfishness awaken. How strikingly confirmed, if the statement of the authorities cited by the hon. and learned Member for South-west Lancashire (Mr. A. Cross) be true, that but for secret voting the American States would not have repudiated their debts! To lower the franchise, it is plain, increases the application and force of these topics. The poorer the voting class, the more direct the conflict between private interest and public welfare; the less educated, the more liable to mistake the social inequalities inevitable to our condition for political grievances. The reasoning of the right hon. Gentleman the Prime Minister from the increased number of electors to the inference that Lord Palmerston's argument, founded on the franchise being a trust, no longer prevails, leads, if Ballot be adopted, at once to universal suffrage. Not resting upon fanciful resemblances or nice distinctions, experience and statesmanlike foresight have before induced Earl Russell and Sir Robert Peel to predict that Ballot will be followed by a much enlarged electoral body. Take it as it will on these suppositions be, or even take it as it is, and reflect what questions are now impending. Land is owned by few, occupied by many; taxation is strained to the utmost—much of it to pay obligations contracted by men of other times for the objects and interests of their own day; capital dominates over and subdues labour. These several relations, we are told by philosophers and politicians of no mean eminence, demand review and rearrangement; while the electoral power is owned by classes on whom what is complained of in these arrangements presses. Can you, in the period approaching, afford to surrender a single agency—a single influence—legitimate, of course, for what is illegitimate brings weakness, not strength—that can infuse among the people a sense of justice or a feeling of moderation? It may be said that I exaggerate the difficulties surrounding the future administration of affairs in this country. ["Hear, hear!"] Have those who cheer read the remarkable speech of the right hon. Gentleman the President of the Poor Law Board (Mr. Stansfeld)—no mean authority on the powers, aims, and objects of the working classes, made so late as January last, at Halifax, to his constituents? Speaking, of course, with the caution of

a Member of the Government, he pronounced that—

"The working people of England were only just awakening to a consciousness of their power and of the responsibilities of that power. There were men now, politicians, moving with light hearts upon the crest of that great tide, little conscious of the rate of progress at which they were moving, and of the direction in which they tended."

Allowing for the imagery, is not this very much what I have been saying—that popular power has advanced and is advancing; that as it comes to the perception of its own strength, its aims, now unsettled, will take shape, and demands as yet unasserted, come to be made? And if this be true—if, to continue the metaphor of the right hon. Gentleman, there be approaching nearer and nearer, and with a still increasing flood, that "great tide"—is it in darkness or in light that we desire to meet it, ignorant of impending dangers, ignorant who aid or fail, or with all exposed to view, able to see the sources of our peril, and use every influence that can animate the exertions requisite for our safety? Sir, it has been said by Montesquieu that whatever may be thought in reference to nations with aristocratic or limited forms of government, it is a fundamental law of democracy that voting shall be open, for some such reasons, I apprehend, as I have feebly applied to our position under an extended suffrage. Following at, however remote, a distance in the footsteps of this profound thinker, I ask the House to pronounce that so far from any existing or future increase of the electoral body furnishing a justification of the introduction of secret voting, such increase supplies additional reasons and motives, of all the most irresistible, against a system which, in the language of the historian, without preventing corruption, admits mistake, excludes responsibility, and hides shame.

MR. MAGUIRE*: Sir, the right hon. and learned Gentleman (Dr. Ball) who has just sat down, is not anxious to accept an analogy which does not suit his purpose or convenience, but endeavours, on the other hand, to establish an analogy between two states of things which have no resemblance whatever. The right hon. and learned Gentleman disdains to accept a lesson from New South Wales, yet he is quite willing to travel back even to the days of Numa

Pompilius, and thence draw a picture with which to terrify this Parliament from accepting this Bill at the hands of the Government. The question, however, is not what state of society existed in Rome 2,400 years ago, or, in some centuries later, what took place under the Kings, the Republic, or the Empire; but this—Is the Ballot necessary for the present state of things in this Empire? The question is, not what was good or bad in ancient Rome, but what is absolutely essential to the United Kingdom. Hon. Gentlemen opposite, or those of them who oppose the Ballot, affect to believe there is no evidence to guide the House as to its operation and effect in other countries, because it has been tried only for 13 years in South Australia, and there in a modified form. But they have altogether forgotten Belgium, where secret voting has been in operation for 40 years; and we have never heard of it working prejudicially to the public interests, the liberty, or the progress of that country. Were one to rely implicitly on what has been asserted this night by the opponents of secret voting, one would be led to believe that once this system of voting were established, there would be an end to every useful or valuable influence—that rank, station, authority, property, even wisdom and virtue, would cease to exert any salutary influence on the voter. And why? Because with the Ballot in operation, the poor, the humble, the dependent and the helpless would be enabled to vote according to their convictions and the dictates of their conscience. Pliny has been quoted to depict the degradation of the Roman voter who quitted the polling-place after depositing his Ballot in the voting-urn. But have we in these modern days not witnessed a spectacle really degrading—the voter driven to the poll by the irresistible force of power, and there openly recording his vote against his conscience? This degrading spectacle has been witnessed in almost every borough and county of the United Kingdom. [“No, no,” and “Yes, yes!”] As a rule it has been witnessed, though I am willing to extend liberally the number of alleged virtuous exceptions. Hon. Gentlemen are keenly alive to the degradation of the poor man giving his vote in secret—that is, in security, and without risk to himself and his family. They revolt from the pitiable spectacle of this humble voter returning

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from the voting-place with the consciousness of having recorded his vote in accordance with his principles. But what say they to the voter—this proud holder of a great constitutional trust—being compelled to vote against his known feelings and principles, to his own deep humiliation, and to the contempt of those whose esteem he desired to preserve. Sir, the material question is not whether the franchise is a trust, a privilege, or a right. The law gives it to the possessor of a certain qualification; and none have done more in the way of extending the franchise than the right hon. Gentleman opposite, the Member for Buckinghamshire (Mr. Disraeli), and those who act with him; but the real question is this—whether the man in an humble or dependent position can exercise the franchise freely and in safety to himself and those who belong to him? That is the real question, and not whether that which the law confers upon him is a right, a privilege, or a public trust. According to the theory of the Constitution, he is supposed to exercise this power of voting with perfect freedom; and what we have to consider is, can he do so more freely with the Ballot than without it? Now, my belief is, that for all persons in humble or dependent circumstances the protection of the Ballot is essential to their safety, and therefore I give to it my support. A strange misconception appears to have gone abroad, I know not from what cause, as to the course which the Catholic Members of this House would adopt in reference to the Ballot. I, myself, was asked by more than one hon. Member whether I had not changed my opinion on the question, and if I did not intend to vote against it, in deference to the wishes of the Roman Catholic Bishops and priests of Ireland. I said, in reply, and I now repeat, that since I entered this House, now 19 years ago, I voted for the Ballot whenever it was brought forward, though at times it has been treated as an annual farce; and I voted for it because I believed it to be necessary for the protection of the humble and defenceless. If, therefore, the Bishops and clergy of my Church had changed their opinions with respect to the Ballot, I would not on that account have changed mine. But, as a matter of fact, they had done nothing of the kind. I vote for it because I think it right and necessary, and that I do not believe it will have the effect of

degrading the people of England or of Ireland. So far as I know anything of the Irish people, they are consistent supporters of the Ballot, because they have witnessed and felt the mischief and misery which has resulted from the present system of voting—from that manly, and upright, and fearless expression of opinion which so often brought ruin on those who exercised a so-called constitutional privilege, or discharged a so-called public trust. I express my solemn belief that there has been more misery and mischief inflicted on the people of Ireland by this so-called “manly” and “English” mode of voting than it is possible for tongue to describe or pen to record. It was hoped that with the change of tribunal there would be a change in the character of elections—that the knowledge of the tribunal, as it it were, following the offence and the offender, would strike terror into the evil-doer, and render elections pure and peaceable for the future. But has that been the case? Let hon. Members look to the records of the elections which have taken place since then, and they will find that violence, corruption, intimidation, and all the evils that existed before the change have been as active and as rampant as ever. Then the change must not be limited to the nature and locality of the tribunal, but must extend to the mode and manner of taking the vote. We are told that this secrecy will degrade the voter, and that he will himself regard the Ballot as an insult and an indignity. It is also said that the protection of the secret mode is unnecessary in these more improved times, in which an enlightened public opinion is exercising its benign influence on political contests. But, Sir, strangely enough, the people loudly clamour for this protection, and are most willing to endure this insult. Then it is asked, where are the Petitions in favour of the Ballot? The answer is simple—the time for petitioning is passed—the country takes the passing of the Ballot as a thing already granted. The majority of hon. Members in this House, and of candidates at the last election, were pledged to the Ballot; and surely we can have no more convincing proof of the popular feeling on this question. Sir, the hon. and learned Member for the University of Dublin (Mr. Plunket) has endeavoured to alarm the House by stating, as his belief, that

if you give the Ballot to Ireland you would see 60 or 70, or possibly even 90 Nationalists returned to Parliament by the Irish people. I desire to speak freely on this point, which, I admit, is one of the very greatest importance. There is at present a wonderful amount of misconception in the minds of Englishmen with respect to what is termed “Home Rule.” I am myself a Nationalist, and in favour of Home Rule; but, at the same time, I am a loyal subject of Her Majesty, attached as a Monarchist to the Crown and Constitution, and I desire to see this Empire strong and flourishing, and the people of Ireland thoroughly united to the people of England. There are thousands of men in Ireland, Protestants as well as Catholics, who are Nationalists in the same spirit. The noble Marquess the Chief Secretary for Ireland has said to-night, in reference to the statement of the hon. and learned Member for the University of Dublin (Mr. Plunket), that if these anticipated 90 Nationalists were sent from Ireland to this House, they would here find a strong and resolute determination to resist the separation of the two countries. With that representation of English feeling I entirely agree, and I hold the same opinion against the separation of the two countries, as strongly as the noble Marquess himself. Then the noble Marquess added, at least in substance—“Look at the people of the United States! they would not allow the Union to be dismembered; and the very same spirit which animated the American people with respect to the Union will animate the people of England in relation to Ireland.” Of that I am convinced. But what is the case in the United States? There are now as many as 40 States in the Union, and each State does its own local business, and manages its own affairs; and from each State there is sent to the Imperial Congress at Washington its Representatives, to deal with all matters of general or Imperial importance. By that federal principle, which unites all in one whole, while it secures to each State its freedom and independence in the management of its own affairs, the whole of that vast Continent—for such it really is—is made stronger, more powerful, and more united. Nay, such is the vitality of the principle of this Federation that a violent and

devastating Civil War has been unable to destroy the Union. The great machine was rent asunder, cut in two by the war; but once the war was at an end, once the passions to which it gave rise had time to slumber and subside, the great machine was joined again together, and has since been working in harmonious action. Then let it be distinctly understood that, Ballot or no Ballot, at the next General Election there will be at least 50 men returned from Ireland pledged to what is called "Home Rule"—or, in other words, to the policy of Ireland governing herself for all local purposes—to that federal principle which has worked well in the United States for 90 years, which we seek to promote in our Australian colonies, which we have established in Canada, and which there is a Bill at this very moment in this House for introducing into the Leeward Islands. Now, as a matter of strict fact, that principle is hourly gaining the most important converts in Ireland among the most thoughtful and intelligent of the community. The Protestant mind of the country is steadily turning in that direction, from the highest and purest motives of patriotism, and certainly in no spirit of hostility to England and no disloyalty to the Sovereign. I was lately much struck by a circumstance which illustrated the advance of this national movement in favour of Home Rule. When returning to this House after the Easter Recess, I was travelling from Cork to Dublin in a first-class carriage; and of the occupants of that carriage I was the only Catholic, and yet there was not one in it who was not in favour of the principle of Home Rule. But you are told not to give the Ballot to Ireland lest she may send you 90 Nationalists. What does that mean? That you are to stifle the expression of a nation's opinion, if you can; but if not—if you cannot do so—you must appear as if you did not hear its voice, and were not conscious of its demand. Anything more opposed to the spirit of the Constitution and to the theory of free institutions it would be impossible to imagine. If hon. Gentlemen felt such apprehension of the working of the Ballot in Ireland as to induce Parliament to deny it to that country, while conferring it on England and Scotland, that would be one of the maddest and most suicidal steps which Parliament could

Mr. Maguire

take. It would be a distinct declaration to the people of Ireland that they were not worthy to enjoy the same privileges as England, and that Ireland was to be treated as a conquered country. The Constitution is now suspended in a portion of that country; a Coercion Act envelopes her from shore to shore, and 40,000 armed men are kept on her soil; but if the crowning insult of which I speak were added to other indignities and grievances, it would require a far greater number of soldiers to quell the spirit which would rise in every man's breast against so outrageous an injustice. Now, Sir, in order that that question of Home Rule should be rightly understood by the people of this country, I take this opportunity of saying that I will, at an early period next Session, take the sense of the House on a Motion in favour of Home Rule—not separation—not Repeal in a technical sense, but in the restricted and limited sense such as I have endeavoured to indicate by reference to Canada and the United States. And I may add that I know, from constant communication with many English Members, that the Representatives of several English constituencies are prepared to vote for a Motion of that kind. The fact is, Englishmen as well as Irishmen feel that there must be a change, even if it were only as a matter of better arrangement and convenience. This Session the legislative Temple Bar is choked by one huge waggon with the wheels off; and until this stoppage, or congestion of Public Business, is at an end, there can be no proper legislation, whether for England, for Scotland, or for Ireland. For four Sessions one Bill, one measure, has annually choked the highway; and when, under the present system, can we hope for a better state of things? To my mind, the prospect is very gloomy indeed. For these reasons, as well as for the greater and larger reasons and motives which I could adduce on behalf of my country, I will, in the next Session, ask the House of Commons to affirm a Resolution granting the Home Rule of which I have spoken, and which contributes so much to the advantage and prosperity, the greatness and the glory, of other countries. Sir, I desire, in conclusion, to say a word in reference to the evidence given by Dr. Butler, the Catholic Bishop of Limerick, before the Select Committee that sat on

the question of the Ballot; and I do so as an answer to the hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket), who represented that there would be a certain amount of danger in the influence which would be used by the Catholic clergy in Ireland under the concealment of the Ballot. Now, the scope of Dr. Butler's evidence is strictly consistent with what I myself know to be the fact—that the Catholic clergy are sincerely desirous of withdrawing from all interference in elections, if not in political agitation, the moment they find the voters of the country can exercise their franchise—be it trust, or privilege, or right—freely and in safety. With the protection of the Ballot to the Irish voter, there would no longer be a necessity for the active interference of the Catholic priest in the turmoil of political strife; though, at the same time, there would be no reason why he should surrender his rights as a citizen, or give up his personal interest in what concerns the welfare and happiness of the people. With the Ballot as a mode of voting, coercion would cease. The landlord, for instance, would no longer be able to coerce his tenant voters; and the influence of the clergy, which had to be brought into the field to counteract that of the landlord, would cease to be exercised. The Bishop of Limerick distinctly said that if the protection of the Ballot—meaning thereby its secrecy and safety—were once conferred on the humble or dependent voter, the Catholic clergy of Ireland would be only too glad to retire from the arena, to which an overpowering necessity alone had impelled them.

Mr. G. BENTINCK moved the adjournment of the debate.

Debate further adjourned till Thursday.

PROMISSORY OATHS BILL—(Lords.)

[BILL 169.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. NEWDEGATE said, he should like some explanation respecting that measure, which proposed the repeal of about 100 statutes, of which 50 related either to the supremacy, succession, or security of the Crown. It was a Go-

vernment Bill, and although it had passed through "another place," he thought the House ought to know on whose authority the proposed repeal was to be granted, in order that it might determine whether several of these unrepealed statutes, said to be obsolete, were really so or not. In 1866 it was urged that the Oath of Allegiance ought to recite the Act of Settlement and the Succession to the Throne. That House thought that the only expression should be "the Sovereign of this country according to law;" but the House of Lords insisted on reciting the Act of Settlement. Two years afterwards an Act passed containing the present Oath of Allegiance; and hon. Members now subscribed the oath to the Sovereign according to law. It appeared to him that several of the repeals in that Bill affected the purport of that oath; and he asked the Government to explain by whom the measure had been prepared, and who it was that had been intrusted with the difficult task of deciding what statutes were to be deemed obsolete? He moved that the Bill be referred to a Select Committee.

Mr. CHARLEY, in seconding the Motion, said, he objected to so large a number of statutes connected with heresy, schism, and præmunire, being repealed by a Bill bearing the title of Promissory Oaths. If it were desirable to repeal the statutes in question, a special Bill ought to be brought in for that purpose.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," — (Mr. Newdegate,) — instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE SOLICITOR GENERAL for IRELAND (Mr. Dowse) expressed a hope that the Motion would not be pressed to a division, and stated that all the statutes mentioned in the Bill, so far as they related to their respective counties, had been carefully examined by the Law Officers of the Crown for England and Ireland, and also, he believed, by the Lord Advocate. All those statutes had been virtually repealed long ago, though not *eo nomine*.

MR. WHALLEY wished to know what was the object of the Government in repealing all these statutes. He believed the object of the Government, as shown by various other Acts during the present Session, was to promote by every means in their power the extension of the Roman Catholic religion. The explanation offered by the Solicitor General for Ireland was by no means satisfactory, and he complained that the Bill would repeal 100 statutes of which he had not the least knowledge. The Home Secretary recently avowed that he felt himself justified in allowing the laws relating to lotteries to be deliberately infringed, and by so doing he had evoked the gambling spirit of the country to the extent of £450,000 in the course of a few years, for the purpose of promoting the Roman Catholic religion.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee, and *reported*, without Amendment; to be read the third time upon *Thursday*.

TRAMWAYS PROVISIONAL ORDERS CONFIRMATION (*re-committed*) BILL—[BILL 197.]
COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Schedule again read.

MR. BERESFORD HOPE said, that several of the schemes embodied in the Bill provided for tramways in leading thoroughfares of the Metropolis, including New Oxford Street, London Bridge, Lombard Street, and many others which he named; and he contended that London ought not to be dealt with in this way, by Provisional Orders relating to particular routes; but that the requirements of the Metropolis as a whole ought to be deliberately considered by Parliament and provided for in one comprehensive, complete, and harmonious scheme, if tramways were to be generally adopted. He had, therefore, given Notice of his intention to move the omission of all the Provisional Orders relating to London, and would now move that the first of these be struck out.

Amendment proposed, in page 42, line 23, to leave out from the words "London

Street Tramways (Extensions, &c.)" to the words "traffic therein," in page 54, line 17.—(*Mr. Beresford Hope*.)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

MR. R. N. FOWLER moved to report Progress.

MR. T. CHAMBERS hoped the Motion for reporting Progress would not be persisted in. The Bill was founded upon the well-considered statute of last Session, upon the faith of which capital had been subscribed, and the consent of the local authorities to the proposed schemes obtained.

MR. SCLATER-BOOTH said, the Bill of last Session was passed, like all the Acts of last Session, at 2 or 3 o'clock in the morning, in solemn silence. The Board of Trade alone was responsible for the passing of the General Act of last year.

MR. CHICHESTER FORTESCUE denied that the Board of Trade was responsible for the passing of the Bill of last year, whatever responsibility they might have in the matter was shared by the House. If the Committee were to decide upon the general question, it would be well to take a division at once; but if time were desired to see whether an arrangement could be made as to what tramways should be abandoned, he would consent to reporting Progress.

MR. W. H. SMITH suggested that the tramways should be put under a central authority, who should represent the public generally. The House had done wrong in giving such enormous powers to the Board of Trade last Session.

MR. LOCKE alleged that the Board of Trade had acted in the most secret manner last Session. The hon. and learned Member for Marylebone had secured his own object, and now he desired to crush everybody else. The sooner the Board of Trade was reformed the better, for they were the creators of nuisances.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again," — (*Mr. Robert Fowler*),—put, and *negatived*.

Question again proposed, "That the words proposed to be left out stand part of the Schedule."

Question put.

The Committee *divided*:—Ayes 105; Noes 116: Majority 11.

Committee report Progress; to sit again upon *Thursday*.

SALE OF LIQUOR ON SUNDAY BILL.

(Mr. Rylands, Mr. Candlish, Mr. Birley,
Mr. Osborne Morgan.)

[BILL 48.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(Sir Henry Selwin-Ibbetson,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Motion made, and Question proposed,
"That the Debate be now adjourned."—(Mr. Monk.)

Motion, by leave *withdrawn*.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Question put.

The House *divided*:—Ayes 51; Noes 69: Majority 18.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for three months.

SEA COAST FISHERIES (IRELAND) BILL.

On Motion of Mr. DOWNING, Bill to amend the Law as to the Sea Coast Fisheries (Ireland) and to aid and encourage the same, *ordered to be brought in* by Mr. DOWNING, The Marquess of HAMILTON, Viscount St. LAWRENCE, and Colonel VANDELUR.

Bill *presented*, and read the first time. [Bill 216.]

House adjourned at half
after Two o'clock.

HOUSE OF LORDS,

Tuesday, 27th June, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Kingsholm District Boundary * [215].
Second Reading—Metropolitan Building Act (1855) Amendment * (208).
Select Committee—Burial Grounds * (181), *nominated*.
Committee—Tancred's Charities * (91-216).
Third Reading—Metropolitan Commons Supplemental (No. 2) * (174); Land Drainage Supplemental * (175); Poor Law (Provisional Orders Confirmation) * (163); Drainage and Improvement of Lands (Ireland) Supplemental * (172); Pensions Commutation * (128), and *passed*.

INDIA—PRESIDENCY OF FORT WILLIAM. PETITION.

LORD LYVEDEN presented a Petition of 600 Zemindars, Talookdars, Putneedars, and others interested in permanently settled estates in the Presidency of Fort William, East Indies, complaining of a despatch of the Secretary of State for India of the 17th May, 1870, and praying for inquiry into and for redress of grievances. He said he knew the difficulty of arresting their Lordships' attention on a subject relating almost exclusively to India; but he thought it his duty to bring before them a matter which was of considerable importance. Probably few of their Lordships had read the despatch to which the Petition referred, it having been published in a Blue Book with a mass of other documents; but the proposal it contained, and of which the Petitioners complained, was to establish a cess on lands included in Lord Cornwallis's Permanent Settlement of 1793, for the purpose of compulsory education. This the Petitioners contended was inconsistent with the terms of that arrangement, by which the burdens on the territory included within it were fixed and declared incapable of increase. The proposed tax stood on an altogether different footing from the income tax, the imposition of which was necessary, after the Mutiny, in order to re-establish Indian finances. It seemed that the noble Duke (the Duke of Argyll) took the advice of his Council on this matter, and they only approved his despatch by a majority of one, the dissentients being seven gentlemen eminently qualified to give an opinion on Indian matters.

Most of them had been in India, and some had been Members of the old East India Company. Their objection was that the imposition of the cess would be a breach of faith with the landowners of Bengal; and one of them (Sir Francis Halliday) pointing out that the objection proffered in the case of irrigation—namely, that the tax would be likely to make unpopular what would otherwise be regarded as a blessing—was equally applicable to compulsory education. Now, one of the impressions as to the causes which led to the Mutiny of 1857, was that education was being diffused too rapidly in India, and against the desire of the people. He feared, therefore, that this despatch would produce great irritation. Moreover, there was no local machinery for levying the tax, and Lord Cornwallis's Settlement was looked upon in Bengal as a kind of Magna Charta. Considering these things, and the opinions expressed by a large minority of his Council, although he (Lord Lyveden) was no great admirer of that institution, the noble Duke would do well to suspend his judgment, and not to hurry on the measure. His noble Friend had already, indeed, inculcated on the Indian Government the necessity of caution. The proposed cess was to include roads, and to this he saw no reasonable objection; but a tax for education might entail serious consequences, and might produce a strong feeling against the Government. A question like this might have been referred with advantage to a Select Committee of this House. The Petition was couched in very respectful terms, and appealed with confidence to their Lordships' House, as comprising among its Members men who had at some time or other ruled the destinies of our Indian Empire, and who had thus become acquainted with the wants and wishes of the people, he trusted therefore it would receive the consideration of their Lordships.

THE DUKE OF ARGYLL said, he must admit that the despatch touched on one of the most important questions connected with the Government of India. As to his noble Friend's complaint, that it had been buried in a large Blue Book, he should have been willing to lay it on the Table separately had he not thought it fairer to accompany it with the dissents of Members of the Council, and

Lord Lyveden

with all the co-relative documents, which would enable any noble Lord disposed to wade through the Papers to form a judgment upon the subject. The fact was that the Revenue of India was more than fully absorbed by the judicial, civil, and military administration of the Empire, together with the larger class of public works, so that local drainage, roads, education, and other measures of immense importance would have to be neglected, and the country thus reduced to stagnation, unless other funds were found. This had been felt by every Government, and, to some extent, works of this kind had been undertaken, as was done in this country, by local cesses or rates. These cesses by no means originated with the present Government, for long before the decision taken in this particular case, local rates had been levied almost over the whole of India for roads and other local works. The Government of Sir John Lawrence and Lord Mayo had naturally wished to have recourse to the same expedient in Bengal, where those interested in landed property were wealthier than in the other Provinces, and they desired the local government of Bengal to impose a local cess for education, roads, and other works. They were met, however, by the old argument, that under Lord Cornwallis's Permanent Settlement of 1793 no local cess could be imposed on the zemindars and others, the land rate having by that Settlement been fixed in perpetuity. The same objection was urged to the imposition of the income tax, but it was overruled by the then Government of India and by the Home Government, and incomes from land in Bengal had accordingly been subjected to the tax equally with incomes from other sources. Unfortunately, the zemindars were supported in the present instance by Sir William Grey, the Lieutenant Governor of Bengal, who had just returned home, and the agitation reached such a height that the Imperial Government was appealed to. The objection, if valid, would apply equally to other parts of India, the land revenue being generally settled for 30 years; and the question was important also as regarded the good faith of the British Government. It was true that his despatch was approved by only a bare majority of the Council; but it was sanctioned unanimously by Her Ma-

jesty's Government, and he thought that those who read the arguments on both sides in the Blue Book would be convinced that no breach of faith had been committed. There were, indeed, stronger arguments for the cess in this instance than existed in the case of the income tax, the latter being raised for Imperial purposes, while the contemplated cess would be for local objects. He believed the decision had been received with satisfaction by the general community, and hoped that in point of principle the question would not be re-opened. At the same time he agreed in the impolicy of imposing such cesses too high and with too great rapidity. His noble Friend, like Sir William Grey, approved a cess for roads, but objected to one for education. There was, however, no distinction between the two in point of right. It was the opinion of many that education was not appreciated by the people of India, and that it was inexpedient to push it on by local taxation too hastily. He had, however, carefully warned the Government against proceeding too hastily. The new Lieutenant Governor of Bengal agreed with the despatch, and was anxious to carry it into effect with proper caution. He hoped, therefore, that nothing would be said in this House to embarrass the authorities in dealing with a question of great difficulty.

THE MARQUESS OF SALISBURY agreed with the noble Duke that the imposition of the tax was not a breach of faith, for he could not conceive how Lord Cornwallis could fetter his successors for ever in the right of taxation. It was possible, however, that injustice might be committed in imposing the tax, and by casting on land special burdens, having no reference to land, might not be so patiently endured in India as it was in this country, where people were accustomed to it. It was quite possible that the landowners, when they saw their lands set out for new taxation, might conceive that it was not really for taxation, but for an increase of rent; and that would be a danger. He hoped the utmost caution would be shown in increasing taxation for purposes not closely connected with the interests of the taxpayers, and that none would be imposed which was not of obviously immediate benefit to the zemindars and other proprietors.

LORD LYVEDEN moved that the said Petition be printed.

LORD REDESDALE said, that to print the Petition would be contrary to the practice of the House.

THE MARQUESS OF SALISBURY thought the custom might be more honoured in the breach than the observance, and he could not conceive why the printing of the Petition should be objected to. It could not be contrary to good policy to allow the views of an important part of Her Majesty's subjects to be brought under their Lordships' notice.

EARL GRANVILLE said, he was not one of those who thought that because a thing had not been done it never should be done. Still, if there was to be a departure from what had existed as a rule, it would be better for his noble Friend to give Notice of his intention to make a Motion at some future time.

THE DUKE OF ARGYLL said, their Lordships ought to be careful how they departed from the practice without due Notice and consideration. Parties desiring to see their opinions put into print at the expense of others might present a pamphlet under the form of a Petition. There was a practice in the other House to appoint a Committee, who selected the Petitions which they thought ought to be printed, and they were circulated with the Votes; and in addition to that, any hon. Member could move that a particular Petition should be so printed and circulated. He thought the plan might be introduced here. There was not a single argument in the Petition which did not appear in the Blue Book.

LORD LYVEDEN admitted the impolicy of printing all Petitions, but urged that these Native Princes had no knowledge of the forms of the House, and would infer that their Petition, if not printed, had been neglected.

Motion (by leave of the House) *withdrawn*.

ARMY REGULATION BILL.—QUESTION.

THE DUKE OF RICHMOND asked when this Bill was likely to reach their Lordships' House? It was introduced into the House of Commons on the 16th of February, was read a second time on the 17th of March, and passed through Committee on the 19th of June. He was

hardly surprised that a measure of such importance had occupied so much time in the other House; but the Government, by interposing another measure of equal or at least of great importance—the Ballot Bill—before it had passed through its remaining stages, had deprived their Lordships of the opportunity of discussing it so soon as would otherwise have been the case. This was very inconvenient, for the end of the Session was approaching, and their Lordships would not be able to give so much attention as they would have desired to the Bills which would shortly come up to them.

EARL GRANVILLE: I think it would be better to abstain from entering into the question as to the manner in which the Army Regulation Bill has been discussed in the other House of Parliament. It would yesterday have been very difficult for me to give an answer with any certainty to the Question which the noble Duke has put. But it appears that last night an arrangement was entered into, and I hope will be maintained, by which the third reading of the Bill will take place on Monday next, and, of course, it will immediately come up to this House. The noble Duke has as good, and perhaps better, means than I have of knowing whether that arrangement will be maintained or not.

House adjourned at Six o'clock, 'till
To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 27th June, 1871.

MINUTES.]—SUPPLY—considered in Committee
—CIVIL SERVICE ESTIMATES.

The House met at Two of the clock.

METROPOLIS—DRINKING TROUGH IN
PICCADILLY.—QUESTION.

CAPTAIN ARCHDALL asked the Secretary of State for the Home Department, Whether there is no power to order the removal of the drinking trough

The Duke of Richmond

lately erected opposite Hamilton Place, which, in its present position, caused great obstruction, to some place, such as what was formerly called Apsley Stables, where the road was fifteen feet wider; and, whether the right hon. Gentleman would give orders to the police effectually to prevent any stoppage of the traffic in consequence of the drinking trough?

MR. BRUCE, in reply, said, he had no power over these roads. The power lay with the Vestry. It was by their authority that the trough had been placed in its present position, and by their authority it could be removed. Obstruction of the high road was a legal offence, and the Vestry, if there was any obstruction in this case, would be liable to prosecution for causing it by anyone who felt aggrieved. So far as the action of the police was concerned, he would take care that they should do what they could to diminish any obstruction caused by the use of the trough.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) Question again proposed,

“That a sum, not exceeding £23,078, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for the Buildings of the Houses of Parliament.”

MR. BERESFORD HOPE said, it would not be right to allow the debate to close without some observations on the speech of the right hon. Gentleman who presided over the Office of Works, and who, to the great contentment of the House, had announced his intention to bring in a Bill to teach and enforce better manners to people visiting the Parks. The right hon. Gentleman, who might now very properly be characterized as the Chesterfield of the 19th century, made a statement the other day respecting a former public servant (Mr. Barry), which deserved to receive some consideration. The right hon. Gentleman, speaking of his hon. and learned Friend the Member for Whitehaven (Mr. C. Bentinck), with the cause of whose absence from the House that day every hon. Gentleman would sympathize, had said—

"The hon. Member who had been so severe upon him in respect of his method of conducting Public Business would form a different opinion on the subject if he had had more experience. He did not, however, attach much importance to the hon. Member's opinion—"

Probably the hon. and learned Member would be able to reciprocate that sentiment.

"—because he was probably not aware of the circumstances under which Mr. Barry had been dealt with. What had been written to Mr. Barry had been written advisedly, and with a due regard to the public interest. When anyone desired to get a statement of reasons from a Minister for any course he might pursue it was not desirable to fall into his trap."

Perhaps that might be considered a candid explanation of the relations between the Treasury bench and the rest of the House, and that the right hon. Gentleman considered that when an hon. Member rose to put a question to the occupants of the Treasury bench the fair assumption was that he was laying a trap, and that it was the duty of the Government not to fall into that trap, or, in other words, to give that kind of answer which would, in reality, be no explanation. The right hon. Gentleman might represent that the leading organ had for once not correctly reported him. But the right hon. Gentleman's statement as it stood was an explanation of the Governmental policy with respect to interrogators. But what was the case between Mr. Barry and the right hon. Gentleman? The correspondence between Mr. Barry and the First Commissioner was very long; but in a few words he would explain the matter. Mr. Barry asked the right hon. Gentleman whether he would allow him to have a copy of the Opinions of the Law Officers of the Crown on the point as to the drawings of Mr. Barry's father, which he refused to give. But of such a question put respectfully the right hon. Gentleman did not hesitate to speak as a trap, although it concerned the professional fame of a gentleman to whom the gentleman who put the question was most nearly and dearly related. The right hon. Gentleman went on to say—and the statement was one which could not be allowed to go uncontradicted—because it was one of those statements which, if the persons concerned had not been in the respective positions of Minister of the Crown and *employé*, would have led to a sharp correspondence, or

if it had occurred in the last generation would have led to something much sharper—the right hon. Gentleman went on to say that Mr. Barry's services were by no means "disinterested." Now, what was the imputation which was supposed to underlie the use of the word "disinterested" in common life? An imputation injurious to the good fame of the person to whom it was applied. ["No, no!"] He repeated distinctly that that was the inference to be drawn. No doubt the right hon. Gentleman might bring Johnson's *Dictionary*, or any other dictionary, to prove the exact meaning of the word "disinterested;" but there were covert meanings behind some words, and when such an expression was used in regard to an *employé* it left an imputation behind.

MR. AYRTON said, if the hon. Gentleman wished to quote his words, and to comment on them, then it was desirable that he should quote them as they were delivered in that House, with the context. The hon. Gentleman would there find that the words did not bear the construction which he put upon them.

MR. BERESFORD HOPE said, he was quoting from the report in *The Times*. ["Order!"]

MR. AYRTON said, the public journals in reporting the debates necessarily did so very shortly, especially when the House was in Committee of Supply.

MR. BERESFORD HOPE said, he would withdraw that statement and the line of argument. He believed it would be in the recollection of hon. Members that the right hon. Gentleman did make certain statements on the last occasion on which the House was in Committee of Supply to the effect that the services which had been rendered by Mr. Barry while in the position of architect of the Houses of Parliament were not disinterested. Now, what would the right hon. Gentleman think if he were to use similar language with reference to his own services or those of any of his Colleagues on the Treasury bench, who drew, and very properly drew, official salaries?

MR. AYRTON rose to Order.

MR. BERESFORD HOPE begged to inform the right hon. Gentleman that he would not stand those repeated interruptions. No man, because he sat on the Treasury bench, had a right to jump up continually and interrupt any hon.

Member. If he (Mr. B. Hope) were to say that the services of any Member of the Government who rightly drew his salary were not disinterested, he should subject himself to the just imputation of very bad taste, and of a very slight knowledge of the value of the English language. He had heard that the right hon. Gentleman, in the course of the debate, had stated that Mr. Barry had been employed to do certain work, for which he had been paid, and that the continuance of his services was inconsistent with the public interest—that this was not merely a question of what was paid to Mr. Barry, but a question of the hundreds of thousands of pounds which the House was called on to pay for carrying out Mr. Barry's suggestions. Now, he had the verbal assurance of Mr. Barry himself, given him that very day, that his business and duty were all along to receive the suggestions of the First Commissioner, by whosoever that office happened to be held. The practice was that the First Commissioner should state to Mr. Barry that he wanted some work or another to be executed, and Mr. Barry was bound to report to him as to the sum which it would probably cost. The First Commissioner accepted the report, or cut it down; but, whether accepted or cut down, Mr. Barry was bound to execute the work for the sum named. Mr. Barry, he might add, had assured him that on looking back to his career as architect of the Houses of Parliament he found he had never exceeded the amount set down in the report which he had given in. He had, however, other authorities to refer to in favour of that gentleman whom the First Commissioner would hardly say he was not bound to treat with some respect. The first of those authorities whom he would quote was the Chancellor of the Exchequer, who in the debate of May 13, 1870, on Westminster Palace, said—

"I am not likely to say anything in disparagement of Mr. Barry. . . . We had a perfect right to put an end, if we thought it advisable, to Mr. Barry's engagement. . . . It does not, however, follow that he was never to be employed again. I hope myself—it is not my business—but I hope that he may be employed when we have any architectural duties to be performed in connection with this House."—[3 *Hansard*, col. 716.]

The next testimony he would quote was

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that of the First Lord of the Treasury, who said, on the same occasion, that he had never given any opinion adverse to that which had been expressed by the Chancellor of the Exchequer as to the re-employment of Mr. Barry should the services of an architect happen to be required for the building; and that Mr. Barry had in no way misconducted himself in the execution of the work committed to his charge. Now would, he should like to know, either the Chancellor of the Exchequer or the First Lord of the Treasury have spoken in such terms of Mr. Barry if the carrying out of his suggestions had led to the waste of hundreds or thousands of pounds, as had been stated by the First Commissioner of Works? Whatever may have been the cause of Mr. Barry's employment or of its discontinuance—whether he had had hard lines dealt out to him or not—the heads of the Government parted with him in all honour and confidence as a meritorious public servant, who had done his duty. He held in his hand, he might add, an account which showed the works which Mr. Barry had carried out from his own designs, irrespective of those which he had completed as the successor of his father, and he found that while he held the appointment of architect the sum expended amounted to only about £66,000. What, then, ought the House to say to a Minister who did not know the difference between £66,000 and hundreds of thousands of pounds? That was sufficient to show how rash and rambling were the figures used by the First Commissioner of Works. This was a matter of personal character with regard to Mr. Barry; but the personal character of any gentleman ought to be precious to the House, and especially the personal character of a gentleman who had been the servant of the public for so many years. He protested against the Treasury bench being made the arena from which private feelings of liking and disliking should be vented in regard to any public servants whose position rendered them so incapable of meeting the taunts which were thrown out in that way. Mr. Barry, like other men, had to earn his bread, and imputations upon him might stand seriously in the way of his professional reputation. Was it fair that in order to catch a cheer, and to pass a Vote at 10 minutes to 7 o'clock, such language as was used

by the First Commissioner of Works should be tolerated? When Ministers wished to pass a Vote at such a time, they had better be careful for the future as to who they left on the Treasury bench, and from whose mouths they left explanations to come. Had the Chancellor of the Exchequer or the Prime Minister been present on Friday Mr. Barry would not have been disparaged in this way, nor would these imputations have been so carelessly tossed about.

MR. AYRTON said, that while the hon. Gentleman was addressing the Committee he thought it would be agreeable to him that he should interrupt, for if he recollected rightly the hon. Gentleman was not in the House when the discussion on which he had commented arose, and he could therefore have no personal knowledge as to the accuracy of the statements which he was making. The hon. Gentleman not knowing anything of the matter he naturally supposed that he would like to hear from him what it was that really occurred; but every man had his own view as to what was right. [MR. BERESFORD HOPE: Hear!] and certainly his view in the present instance differed very much from that of the hon. Member. If the hon. Gentleman had only listened to his explanation, he would not have found it necessary to make several of the remarks, more or less complimentary, in which he had indulged. What he had really said on Friday did not in the least bear the construction which the hon. Gentleman had put upon it, for the report in the newspaper from which he had quoted, though giving a general view of his argument, did not profess to be a strictly accurate verbal account of what had passed on the occasion. What he had said was, that when discussions had previously arisen on the subject a great deal had been heard as to Mr. Barry's having rendered disinterested services; but that since his engagement had terminated he had sent in an account of all those services, amounting to a considerable sum, which had been paid. [MR. BAILLIE COCHRANE: What amount?] £2,000;—and, that being so, Mr. Barry was not entitled to the credit of having giving his services for nothing. He thought enough had been said on that subject last Session, and there not being a single item in the present Vote which related to Mr. Barry or the payment of his services, he should

not have alluded to the matter had not an hon. Member deemed it right to call the attention of the Committee to it. Again, with respect to the advantages which he thought had resulted from Mr. Barry's having ceased to hold his late appointment, what he had said was that there were, as a consequence, no more suggestions from him before the House, involving a large expenditure. He had floating in his mind what had been stated last Session by an eminent Prelate (the Bishop of Gloucester and Bristol) in the other House of Parliament, that £30,000 had been spent in bedizening with gold a part of the building which in former times was used as a coal cellar and lumber room, and which was subsequently used as a dining room for the Speaker. It was stated that having been thus bedizened it had been made more obscure than it already was by the manner in which the windows were painted, and there was a scheme projected for having shutters made to work by machinery, and gas lighted outside the windows with an arrangement of screens, so that the painted windows might be exhibited by night as well as by day. He had inferred that the vault was not now used for any purpose and never could be, so that it remained a spectacle of the most absolute waste of the public money. Of course, Mr. Barry maintained that everything he had done had been done at the suggestion of the First Commissioner of Works; but whether the architect made a suggestion of an expensive character and the First Commissioner took it up, or *vice versa*, the result had been somehow or another a large outlay of public money on projects of the kind. What he stated was that under these circumstances the Government had got rid of all that sort of thing by putting an end to the connection which existed between the Office of Works and Mr. Barry, and the First Commissioner was required, on his own responsibility, to satisfy himself of the necessity for any proposal previous to its being laid before Parliament. What works he should like to know had been projected by Mr. Barry during the two or three years he held the appointment in question? A new House of Commons and a new House of Lords, at an enormous expense. [MR. BAILLIE COCHRANE: He was acting in accordance with the Report of the Committee.] He did not care who had recommended these pro-

jects. The proposals were made and beautifully executed designs were hung about the House to bring the matter before the eyes of hon. Members. [Mr. BERESFORD HOPE said the designs were ordered by the Committee.] All these things were going on while Mr. Barry was Parliamentary architect, and that gentleman was always suggesting things which involved an enormous expenditure of public money. Since the connection with Mr. Barry had ceased, however, these projects were no longer heard of, and there were no proposals to involve the House in a very large public expenditure. He had heard the hon. Member for Whitehaven (Mr. C. Bentinck) lately condemn the cloister which had been erected in New Palace Yard at an enormous cost, and which many people did not look upon as an improvement to the beauty of the House, and there was a crop of suggestions for future works which would, in all probability, have to be executed in a still more expensive manner. The result was that while small things which hon. Members asked for their own convenience could not be obtained, the public money was being lavishly expended on such projects as those to which he had been referring. The hon. Member for Cambridge University had a great love for the Fine Arts; but he could hardly be of opinion that the interests of art were promoted by putting up a very indifferent statue in stone, and then making it beautiful by plastering it all over with gold. [Mr. BERESFORD HOPE: Where is that statue?] It is in the Royal Gallery. He thought the Government had done well in getting rid of this state of things, and in putting on the First Commissioner of Works the undivided responsibility of any step which was calculated to draw the House into any expenditure on a building which some people thought was one of the most inconvenient and costly buildings ever erected. He would not enter into the vexed question respecting the correspondence between Mr. Barry and the Office of Works. All he could say was that Mr. Barry's communications were of a character calculated to draw him into a long controversy, and that he had declined to enter into any such controversy, his replies being confined to the simple matters of business which had to be discussed between them. When Mr. Barry attempted to go beyond the matter of

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business and embarked in controversial writing, however exciting his letters might be in tone, he had treated them with the utmost calmness, reducing his answers to the smallest number of words necessary to convey the determination of the Office of Works on the point at issue. The result was that the Office had not been led into a foolish controversy. Passing from that subject, he should proceed to answer some questions which he had been asked before the adjournment of the debate on Friday. One hon. Gentleman wished to know what was being done with respect to a display of electric light at night on the Clock Tower or some other portion of the Houses of Parliament, so that hon. Members and others at a distance might be able to know whether the House was sitting or not. Well, the carrying out such a project involved intricate scientific questions as to how it was to be most satisfactorily and economically executed. He (Mr. Ayrton) had been in communication with several scientific gentlemen on the subject; but he was not at the present moment in a position to state what the cost of such a light would be. It was not a thing which could be done for a trifle, and the Government had more than one proposal under consideration. He hoped, he might add, to have an experiment made with the light from one of the turrets of the Victoria Tower before the Session came to a close; but he could not as yet say whether the project would be carried out or not. A question was asked respecting the heat of the Library; but when the external temperature rose above 70 degrees, and when, in addition, the gas was lighted, it was impossible to keep down the heat of the atmosphere very much; but, on the whole, the temperature of the room was by no means excessive. The lighting of the House had been very much considered, and hon. Members would notice that new lights had been erected in the dining room which gave general satisfaction. That question had received a good deal of attention, and a distinguished gentleman connected with the Office of Works (Dr. Percy) was the superintendent of the department. Some complaints had been made in regard to the establishment of the clerk of works for the House. But there were services to be performed which required rather a large establishment. There was a clerk of works who

superintended all the business which properly belonged to the Department during ordinary hours; but it was necessary to have a person in addition to continue the services required when the House sat until a late hour. In connection with the ventilation of the House was that of the Courts of Justice, and the services were effected by boilers of considerable power, and great advantage arose from having the double services performed by one set of machinery. The cost of the police for the House of Parliament was doubtless very considerable, and the sum which appeared in the Votes was not the whole expense, because it was not only necessary to pay for the police employed in the service of Parliament, but a large sum had also to be paid to the police on account of the Houses been shown to visitors when Parliament was not sitting. Who ought to pay for that was a question which had arisen, for if the Houses of Parliament were converted into a public show for the gratification of the inhabitants of the Metropolis, it did not belong to the public Exchequer to discharge the expense, but the cost should fall on the police of the Metropolis, who were bound to see that no injury was done to the building. The adjustment between the charge which should be paid out of the local funds of the Metropolitan Police and the charge which should be borne by the Imperial Exchequer might be a matter for consideration; but at present it was thought better not to disturb the existing arrangement.

MR. COWPER-TEMPLE said, after the allusion of the right hon. Gentleman to the work in St. Stephen's Crypt, which took place under his (Mr. Cowper-Temple's) superintendence, he must say a few words. He was in hopes that the First Commissioner of Works when he rose would have apologized for the language he used during the last discussion of the Estimates, because more unwarrantable language than that employed towards Mr. Barry never proceeded from a Minister of the Crown in reference to any individual in the public service. Upon reflection, the right hon. Gentleman not only maintained the accusation he had made, but proceeded to justify it, increasing thereby the injustice tenfold. The right hon. Gentleman had been twitted from the other side for having caused an unnecessary expendi-

ture of £2,000 by his removal of Mr. Barry from the position of consulting architect which he held up to the time when the right hon. Gentleman came into office. That sum of £2,000 was for designs and plans which were not put into execution. So long as Mr. Barry remained in his position as architect of the Palace of Westminster, he was always ready to prepare for consideration any designs that might be wanted, without demanding payment for them if they were not adopted, being satisfied with the percentage he got upon executed works. But when the First Commissioner of Works withdrew employment from Mr. Barry and yet made use of the designs he had submitted, Mr. Barry was obliged to demand his professional remuneration for his unexecuted designs, in order to guard against the denial of their authorship, and thus the course taken by the right hon. Gentleman has led to an expenditure of £2,000 which would otherwise have been saved. One of the designs was for carrying out the work which the First Commissioner of Works executed in the refreshment and dining rooms. [Mr. AYERON said, that the most of Mr. Barry's designs were not carried out.] Payment for the designs of refreshment and dining rooms was made to Mr. Barry; but that gentleman would not have required payment for unexecuted designs if he had been left in the position of consulting architect of the House. However, it became necessary for Mr. Barry, when removed from that position, and when the First Commissioner of Works was making use of his designs, to ask payment for the unexecuted designs. The First Commissioner of Works said he did not entirely carry out Mr. Barry's design for the new refreshment and dining rooms. Then, that was more the pity, because he spoilt Mr. Barry's designs. These rooms were at present connected by two doors. Mr. Barry's plan would have thrown the two rooms into one, and would have added considerably to the space for dining-tables; and would have provided a much more convenient access to the kitchen. The alterations made in Mr. Barry's plan were certainly not advantageous. In a previous discussion the First Commissioner said that the House had not only to consider what was paid to Mr. Barry himself, but the thousands and hundreds of thousands of pounds the

country would have had to expend if Mr. Barry had remained in his situation. If that observation meant anything, it meant that the First Commissioner of Works was so weak as to be under the influence of anyone who made suggestions to him; but no one who knew the First Commissioner of Works would give weight to an argument resting on his readiness to follow the advice of anyone or particularly of an architect or artist. That day he had thrown out another view, and had endeavoured to put upon Mr. Barry the responsibility of various expenses with which he had nothing whatever to do. First among these was the cost incurred in regard to what he called the Vault, but which he (Mr. Cowper-Temple) would call St. Stephen's Crypt. This, according to the right hon. Gentleman, was absolutely worthless—he forgot the exact term of contempt used. [Mr. Ayrton: Useless.] The right hon. Gentleman, then, thought that one of the best specimens of the architecture of the 13th century in this country was totally useless. Let the right hon. Gentleman ask any professional architect whose opinion was worth having, and he would be told that as a specimen of architecture it was most valuable. [Mr. Ayrton said, he had spoken of bedizening the chapel with gold.] Then the right hon. Gentleman admitted that it was valuable, and his only objection to it was that it was bedizened with gold. But that was only the restoration of the building to the condition in which it was in the time of its early beauty and splendour. It was on record that in the time of Henry III. that chapel was most brilliantly ornamented, quite as much bedizened and as beautiful a specimen of architecture as it was now. Indeed, it was much finer, and what had been done was only an attempt to restore it to its old style. But the right hon. Gentleman said this bedizening had cost £30,000. Now, that was an assertion which he should have thought even the great boldness of the right hon. Gentleman would hardly have ventured to make, although he professed to be backed by the authority of some Prelate in the House of Lords. If, however, the right hon. Gentleman would take the trouble to look into the records of his own Department he would find that instead of £30,000 the cost was little more than £600. Just as in the for-

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mer part of the debate he talked about thousands and hundreds of thousands, so at present he was endeavouring to draw his hon. Friends below the gangway by talking of economy in regard to this chapel. The work was done by contract with Messrs. Crace; they executed it so liberally that probably they lost money by it, but they got no more than the contract price. The right hon. Gentleman proceeded to say that Mr. Barry was responsible for the cost of the plans for the new Houses of Commons and Lords; but that was totally inaccurate. Any of the Members who served on the Committee would bear him out when he stated that Mr. Barry made no suggestion whatever on that subject. Mr. Barry was called before them as a witness, but he produced no plans until, on the Motion of Sir John Lanyon (then a Member), he proposed a plan of a new House of Commons. The Committee were solely responsible. From his (Mr. Cowper-Temple's) experience of Mr. Barry when he was First Commissioner of Works, he could say without hesitation that Mr. Barry never made any spontaneous suggestions that would have led to any expense. It was not his business to do so; he ought not to have done so, and he did not do so; his only suggestions were made in answer to the demands of those who instructed him. In the same way the expense of the dining room did not originate with Mr. Barry, but with the Committee of the House, who submitted a Report year after year recommending the expenditure proposed. When he (Mr. Cowper-Temple) was First Commissioner of Works he got these Reports; he did not wish to spend the money of the country in altering the dining rooms, and he refused, as his successors did, till the right hon. Gentleman came into office, and he departed from the economical view which had up till then prevailed in the office. He it was who incurred the expense, although now he professed to be more economical than his predecessors, who declined to incur this expenditure. But although he incurred the expense of the new dining rooms, he did it in a niggardly way, curtailing and spoiling Mr. Barry's plans. Mr. Barry only submitted an approximate estimate. His estimate was higher because it included more extensive alterations, as he had been asked to provide a new dining room

for the Lords as well as for Commons. The right hon. Gentleman ought to withdraw his very unfair imputations. If he were a private Member perhaps Mr. Barry would not care for his attacks. But speaking as he did with the authority of a Minister of the Crown, it was rather unfair that he should launch out those vague and unfounded accusations against a man professionally employed in his Department. Because Sir Charles Barry led the country into very considerable expense in regard to this great structure, his son was assumed to be intending to do the same. But his experience of Mr. Edward Barry had led him to a different conclusion. The statements that had been made were without any foundation and the reiteration of them against a professional man was unfair and ungenerous.

MR. BAILLIE COCHRANE, as a member of the Committee to which allusion had been made, must confirm the statements of the right hon. Gentleman who had just sat down. The First Commissioner had stated that the country had been saved hundreds of thousands of pounds, which would have been expended had Mr. Barry remained in office. The Committee had unanimously reported in favour of building a new House of Commons. Mr. Barry was sent for and desired to prepare a drawing. He did make elaborate and admirable plans, and he also produced a plan for a new dining room. That plan was adopted, but not in its entirety, and the bad part of it only had been carried out by the First Commissioner. The credit of the bar in the lobby—which cut the lobby in two, and was quite an offence—belonged to the right hon. Gentleman. He thought the First Commissioner had left an improper impression on the public mind with regard to Mr. Barry's charge, which turned out to be, for 12 years' service, only £2,200, and he was bound to express his regret for having been led away by his florid style of speaking into the great exaggeration of which he had been guilty.

SIR FRANCIS GOLDSMID said, he regretted the hon. Member for Whitehaven (Mr. C. Bentinok) was not in his place, as he was about to refer to the charge made by him, and which had that day been repeated, that the Chief Commissioner of Works had put the country to the expense of £2,000 by

ceasing to employ Mr. Barry. This must mean that if Mr. Barry had remained in his position he never would have received the £2,000 which had been claimed by, and paid to him; and that state of circumstances seemed to be considered as something creditable to Mr. Barry and discreditable to the right hon. Gentleman (Mr. Ayrton.) Now, in examining this charge, they were confined to one of two alternatives. Either Mr. Barry was employed with an understanding between himself and the Chief Commissioner for the time being that he was not to be remunerated, or there was no such understanding. The former alternative he (Sir Francis Goldsmid) felt himself to be wholly prevented from adopting, having been informed by all acquainted with Mr. Barry—however much they might differ in estimating his professional skill and economy—that he was a gentleman of the highest honour; and finding it impossible to reconcile with that high honour the supposition of his having sent in an account for services for which it had been understood that he was not to be compensated. Consequently he was driven to the conclusion that it was always intended that Mr. Barry should be compensated, although the period at which his account was sent in was accelerated by his dismissal. If that was so, it was idle and absurd to say that the Chief Commissioner had brought a cost of £2,000 upon the country by the dismissal of Mr. Barry, when the course taken had simply had the effect of causing him to be paid in one year instead of another.

MR. BERESFORD HOPE said, that having been a Member of the Committee to which reference had been made, he would add a few words to what had been said by the right hon. Member for South Hampshire (Mr. Cowper-Temple) in defence of Mr. Barry, and in proof that he was in no way responsible for the expenditure which had been incurred. The Committee was moved for by the right hon. Member for Newcastle (Mr. Headlam) after fair discussion and something like a general expression of opinion on the part of the Members of the House that the Hall in which they assembled was, from circumstances, inadequate for the transaction of their business. The Committee sat for two Sessions, and Mr. Barry drew the plans of the House on the Motion of Sir

Charles Lanyon; but there were a good many other plans which increased Mr. Barry's bill—as, for instance, an ingenious design for the re-arrangement of the House, produced by the hon. Baronet the Member for Manchester (Sir Thomas Bazley), which being a pen-and-ink sketch was reproduced by Mr. Barry in the more workmanlike form of a regular plan drawn to scale. Then the Committee of its own motion, and not at all at the instigation of Mr. Barry, obtained plans of the different Houses of Legislature in different countries in Europe, and these were reduced to scale by Mr. Barry, who was not responsible for that expense. To show the value of those plans, he might state that recently application was made to him for the Blue Book containing them by a gentleman of high distinction in the Prussian Parliament, as a guide for a Committee sitting in Berlin to decide upon a new German Parliament House. The Select Committee, after sitting two Sessions, reported unanimously, composed as it was of Members from both sides of the House. In the first Session of the present Parliament the question came before the House, and the matter having been discussed, was postponed, but not shelved, the Prime Minister giving reasons why the building of a new House should not be proceeded with at once. It was not likely, however, to be again taken up under the present administration of the office of Public Works. But to say that Mr. Barry tried to lead the House to expend thousands—to quote the very romantic Arabian Nights-like figures they had heard from the Treasury bench—was simply to state what neither the Blue Book nor the records of the House would carry out. Mr. Barry was no more responsible for the Committee's proceedings than the right hon. Gentleman himself. When people saw the supercilious language in which the Minister of Works had talked of the restoration of an English building equal to the Sainte Chapelle in Paris, the supposed destruction of which had lately caused universal regret, he should not be surprised if they folded up their newspapers and said—"After all, England is a nation of shopkeepers, and a shopkeeper presides over its tastes."

LORD JOHN MANNERS said, that having last year expressed most emphatically his condemnation, on public grounds,

Mr. Beresford Hope

of the removal of Mr. Barry, and his deep regret at the tone and terms in which his dismissal had been conveyed to him by the right hon. Gentleman, he was in hopes he might have been spared the necessity of rising on the present occasion; but the right hon. Gentleman had made use of such language as to leave him no option but to follow the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple) in expressing his belief that the complaints and charges brought by the First Commissioner of Works against Mr. Barry to-day were totally and absolutely unfounded. He spoke not only as First Commissioner of Works at the time the Committee was appointed, but also as a member of that Committee. The Committee was moved for with the approbation of the Government, and the general assent of the House, and the Motion arose out of the discontent which was felt, rightly or wrongly, with the size of the room in which hon. Members meet. The Committee naturally called Mr. Barry as a witness, and put to him questions which he answered, and which he had no option but to answer. At the request of the Committee he first produced plans of the House. A suggestion was made by an independent member of the Committee that Mr. Barry should be requested to prepare plans, and Mr. Barry came to him as First Commissioner to ask whether he had the sanction of the Government to comply with the formal request of the Committee. He (Lord John Manners) had no hesitation in saying that the Government sanctioned the request of the Committee, at the same time guarding himself against the idea of the Government being committed to any result which might follow the investigation of the Committee. Then he was requested during the Recess to communicate with our representatives at Berlin, Vienna, and Washington, and with the authorities in Canada, with the view of obtaining plans showing how the Members of the Houses of Parliament in those different countries were accommodated. No doubt a considerable expense was thus incurred by the direction of a body which represented the House of Commons; and although it had not led to the creation of a new building, he had never yet heard any blame attached to any members of the Committee. To say that Mr. Barry was

responsible in any degree for the plans which he prepared at the instance of the Committee, was to shift the responsibility from the Committee to the shoulders of the gentleman whose reputation the First Commissioner had done his best to destroy. The right hon. Gentleman the Member for South Hampshire had sufficiently disposed of the charge made with respect to the crypt under this building by saying that he was responsible for recommending to the House the expenditure incurred in the completion of the beautiful work with which his name would be associated in time to come; and, although we could not quarrel on the score of taste with any views the First Commissioner might profess to entertain, he must protest against the singular injustice of imputing any blame to Mr. Barry for a work which was carried out with the full assent of the House, and against the Votes for which, so far as he remembered, there was no division. If the chapel, being complete, remained useless, whose fault was that? It remained for the Government to communicate with the ecclesiastical authorities, and to say that the chapel should be used. If the Prime Minister thought fit to take the necessary steps, the building could at once be devoted to the ordinary purposes of a Chapel Royal. Neither with respect to the plans for the new Houses of Parliament nor with respect to St. Stephen's Crypt could any blame be legitimately placed on Mr. Barry's shoulders. And with regard to this being an unnecessary and foolish expenditure on the Chapel Royal, he would beg the right hon. Gentleman, when he next visited his constituents in the Tower Hamlets, to see what had been done by a far less august personage than any First Commissioner, in the way of restoring—or, as the right hon. Gentleman would call it, bedizening—that beautiful specimen of ancient architecture in the heart of the City (Crosby Hall). He could only express his conviction that during the whole of the time that Mr. Barry had any connection with that great building, Mr. Barry never did anything to justify the violent censures which the right hon. Gentleman had bestowed upon him. He believed that Mr. Barry was not only a man of the highest professional merit, but also a man of extreme probity, who could not help feeling indignation and surprise at

the constant attempts of the right hon. Gentleman to run down his character, and throw upon him the responsibility which every Government that had employed Mr. Barry ought to be forward in taking upon themselves. He (Lord John Manners), for one, would never consent, so far as he was concerned, to transfer responsibility from his shoulders to Mr. Barry. He understood the right hon. Gentleman to have said that Mr. Barry had such an influence over him and over the Prime Minister, as the case might be, that as long as he was employed in the public service there could be no security whatever against a perpetual recurrence of enormous charges. He (Lord John Manners), on the contrary, said that the First Commissioner and Her Majesty's Government were responsible for everything that Mr. Barry was asked to carry out.

Mr. MELLY said, he thought the First Commissioner was entitled to thanks for the manner in which he discharged the duties of his office and restricted the expenses of the Government. There was nothing in the world so disagreeable as attempting to spare the money raised from ratepayers or taxpayers. If they attempted any economy they trod upon the toes of somebody who had friends, and those friends made a clamour in the House. He was not learned in architecture; but he had read this correspondence as carefully as any man in the House, and he maintained that, looking at the difficulties in which the First Commissioner was placed, the right hon. Gentleman acted most wisely in putting a stop to perpetual expenditure upon that magnificent building.

Mr. AYRTON said, he did not want to prolong this discussion, which was really quite foreign to the subject before the Committee; but if had fallen into any error in quoting the statement of a right rev. Prelate he wished to correct it. Having no personal knowledge of the subject when the statement was made, he inquired at the Office of Works what the expenditure had actually been. The reply he received was that the accounts were so rendered that they could not tell; and as he saw no contradiction by Mr. Barry of the very responsible statement made in the other House, he supposed it to be correct. He did not know now what the expense had amounted to; but if the right hon. Gentleman (Mr.

Cowper-Temple) assured him that he had committed a gross exaggeration, he withdrew it, and regretted having adopted it. He perfectly recollected having seen, after the fire at the Houses of Parliament, the vault which had been mentioned. [Mr. BERESFORD HOPE: The chapel.] The hon. Gentleman called it a chapel. [Mr. BERESFORD HOPE: It is one.] Perhaps he did not recognize the Reformation in this country. He would say that it was an innovation and not a Conservative proceeding—that it was the proceeding of the Radical mob of that day. He (Mr. Ayrton) did recognize the Reformation; and after the Reformation the vault was used as a coal cellar and lumber room until it was converted to the purpose of a dining room to be used in the dark by the Speaker, and he recollected it being so used. He recollected its condition perfectly well, and had no hesitation in saying it was not necessary to spend a shilling on that vault. When it was used as a coal and lumber room it was very much in the condition it was left in at the time of the Reformation, because it had been before the Reformation used not as a Chapel Royal, but as a mortuary chapel for masses for persons who had been connected with the Court and St. Stephen's Monastery. That was the purpose for which it was intended. The Reformation did not recognize the continuance of those things, and it then became a coal cellar and a vault; it had been a vault ever since, and it was a vault now. It was not a chapel, and no one had a right to say it was one.

Mr. COWPER-TEMPLE said, he had understood the right hon. Gentleman to say, in the first instance, that £30,000 had been spent in bedizening the vault. [Mr. AYRTON: No.] £30,000 was spent, not in decorating, but in re-constructing the building. The right hon. Gentleman, in order to show his Protestantism, called this a vault, but he did not see the connection between Protestantism and the calling of an ancient chapel by bad names. It had no historical name but St. Stephen's Crypt, and it had been so known to all persons who had an interest in architecture and archaeology. The fire had injured its supports, and a very heavy expenditure was necessary to remove the results of the fire. It was necessary to put new stone

Mr. Ayrton

throughout the whole of the interior. He presumed that when the right hon. Gentleman spoke of "bedizening" he meant the decorations of the building, which had cost £600. In reply to the hon. Baronet the Member for Reading (Sir Francis Goldsmid), he had merely to say that there was no dilemma in regard to the position of those who complained of Mr. Barry's dismissal. The agreement was that so long as Mr. Barry was employed as the architect he should be entitled to those payments to which architects generally were entitled according to the custom of the profession, and therefore he had a right to charge for any drawings or plans that were not executed. So long as he was dealing with the subject Mr. Barry did not charge anything for works that were not executed; but when he was removed altogether from his position as architect to the Houses of Parliament he was no longer able to exercise that liberal habit which he had formed, because he was afraid that the First Commissioner of Works would turn round upon him and say—"These are not your drawings and plans that I have adopted." Mr. Barry sent in the charge he was legally entitled to in order to make it clear that the plan which was pirated by the First Commissioner of Works was his plan.

Mr. AYRTON, with reference to the word "Vault" which he had used, said that before the Reformation the building was called "St. Mary's in the Vault," and after the Reformation "St. Mary's" was taken off and the "Vault" remained without her.

Mr. DILLWYN said, it was quite clear that the Chief Commissioner was right in saying that this very useless restoration had cost the country something like £30,000. This restoration might be very artistic and very pleasant to gentlemen who had tastes in that line; but he doubted very much whether the country would be pleased with this expenditure. He felt very much indebted to the Chief Commissioner for the way in which he had performed the duties of his office. He did not understand the Chief Commissioner to say that Mr. Barry had cost the country £100,000; but that he made suggestions the carrying out of which would have cost the country £100,000. What had the right hon. Gentleman done? He had got

back from Mr. Barry the plans for which the country had paid, and the House of Commons had now the control of the expenditure. As a Member of the House of Commons he felt grateful to the right hon. Gentleman for the manner in which he had conducted the Office of Works. The right hon. Gentleman had had a very unpleasant task in dealing with Mr. Barry, and had not, perhaps, done it in the most pleasant way; but his right hon. Friend had acted in a business-like manner, and without, as he thought, any want of courtesy to Mr. Barry.

EARL PERCY called attention to the remarks of the First Commissioner of Works in reference to the chapel. The right hon. Gentleman, in the first place, had stated that the chapel had nothing to do with Protestantism—a remark which came with bad grace from one who had some Dissenters at his back; in the second place, that one of the acts of the Reformers which was to be looked upon with the greatest pride was the turning of a chapel into a coal cellar; and, thirdly, when a chapel had been converted into a coal cellar that nothing could restore it to its former condition. He had always heard the contrary proposition affirmed, that when once a building was used for a sacred purpose, its sacred character could not be destroyed. He had never heard that the fact of a chapel having been converted into a coal cellar took away its original character.

COLONEL SYKES bore his testimony to the success with which his right hon. Friend had reduced his economical principles to practice.

Mr. MUNDELLA said, he wished to say a word on behalf of national monuments. He was a strict economist; but that was not economy but scandalous parsimony which grudged what was necessary to support our national monuments, or to restore such a structure as that below the House to as splendid a condition as it was in the power of this great nation to do. He wished hon. Gentlemen who grudged the expenditure could witness the enjoyment that the crypt afforded to the thousands of working men that walked through it. It gave them some idea of beauty and the history of the past. He was most thankful for what had been spent this year on the collection of pictures of "the

Peel Gallery," and he hoped in future, when they were wasting money by millions, they would not grudge £110,000 a-year to give something to art and beauty for our noble working people of the dingy towns of England.

MR. MUNTZ said, the hon. Gentleman who had last spoken must have just come into the House, or else he would have known that they were not discussing the question of the crypt. [Mr. BERESFORD HOPE: The First Commissioner dragged it in.] The fact was, a personal attack had been made on the First Commissioner, who had only defended himself. The crypt was, no doubt, a beautiful ornament; but for years and years it had been a coal cellar. They were not, however, discussing that matter now. He was not going to say a word about Mr. Barry, except this—that two years ago, when Mr. Layard, our Minister at Madrid, came to ask for some £5,000 for the frescoes in the great Hall, there was a great outcry about the waste of money and the spending of money without the consent of Parliament. The right hon. Gentleman defended himself by saying that the work was carried out before he was aware, and that £50,000 or £60,000 more would be required. There had been a constant system of extravagance for several years in these matters; but his right hon. Friend had had the courage to stop this useless waste.

MR. W. H. SMITH said, this debate was an illustration of the great inconvenience which arose from the use of unguarded language with respect to any gentleman. The item for the police of the House was put down at £2,048; but then the Metropolis was rated to something like £4,000 a-year in addition, on the plea that the increased duty of the police in consequence of the visits of the inhabitants of the Metropolis to that House ought to be paid for by the Metropolis. But, in his opinion, it was not the inhabitants of the Metropolis who visited the Houses of Parliament so much as the constituents of hon. Members from the country. That House did not contribute a single farthing to the increased rates of the Metropolis, and it was not fair that a charge of £4,000 should be imposed on the Metropolis to pay for the watching of the Houses of Parliament. He begged to express his concurrence with what had fallen from

the hon. Member for Sheffield (Mr. Mundella) as to the importance of having pure and high examples of works of art for the instruction and delight of the people, and he was sure that House would never grudge the cost that might be necessary.

LORD JOHN MANNERS, with reference to what had failed from the hon. Member for Birmingham (Mr. Muntz), said, that his recollection was that Mr. Layard, having a great appreciation of the beauty of mosaic works in Venice, had himself originated the idea of filling the vacant spaces with those works. Mr. Barry had nothing to do but to carry out Mr. Layard's instructions. It was quite true that the work was ordered without having been submitted to the Committee of Supply; but Mr. Barry was acting under Mr. Layard's directions.

MR. MUNTZ said, that Mr. Layard had certainly made the statement that the work was done in accordance with the suggestion of Mr. Barry.

MR. BOUVERIE said, that one of the recent small changes that had been made in the House was to render the two front benches extremely comfortable. Now, it would be well worth the consideration of the right hon. Gentleman whether something might not be done in the same way to promote the comfort of hon. Members who did not sit on the two front benches.

MR. A. GUEST said, that the hon. Member for Birmingham (Mr. Muntz) had fallen into an error with respect to the cost of the decoration of the great Hall. About £3,000 had been spent upon it, and he believed £8,000 was the total estimate for its decoration. He was very glad the Hall had not been finished, looking to the specimen of architecture which had been obtained by the First Commissioner.

MR. MACFIE suggested some alterations on the gangway of the House; he thought also there should be some place where Members who had clerks could write. He was also of opinion that the right hon. Gentleman would be able to introduce some improvements with regard to the accommodation for Parliamentary Papers, if he would look at the arrangements in the other House. The right hon. Gentleman was entitled also to a vote of thanks for the improvements he had effected in the Ladies' Gallery, the tea room and dining room, and the

Mr. W. H. Smith

excellent room provided for meeting their constituents.

SIR JAMES ELPHINSTONE said, it was new to him to hear of an hon. Gentleman coming to the House with a private secretary, and he would just as soon think of keeping a pipe in the House. What was required for the real comfort of the House, when hon. Gentlemen were unfortunate enough to have to dine there, was to recur to the custom of their forefathers, and have some place where they could keep a gridiron, and eat a good beefsteak, and drink half-a-pint of good port wine. He hoped, therefore, that, for the sake of those who had been inhaling indifferent air for a considerable number of hours, the right hon. Gentleman, in considering the comforts and amenities of the House, would not forget the gridiron.

LORD ELCHO desired to put a question with reference to the grass plots outside the House, or rather to what might be put on them. Last year, or the year before, there was some plan in contemplation for placing the statues of eminent statesmen on that portion of the precincts of the House. One of those statues was that of the late Sir Robert Peel; and he did not know whether it was intended to libel the memory of that distinguished statesman by erecting near the spot where his celebrity had been achieved so villanous a resemblance of him. But, be that as it might, the statue was taken down and relegated, perhaps, to that very vault the Committee had just been discussing. It was, however, rumoured that, instead of being dealt with as it ought to be and returned to the smelting pot, it was to be re-erected in a form which had been already condemned by public opinion, and was to be followed by a statue equally bad of Lord Palmerston. If that were, so he must enter his protest against any such course being adopted.

MR. AYRTON said, the way in which those works of art were spoken of by the noble Lord was by no means complimentary to the artists. The subject was under consideration, and no conclusion would be arrived at with respect to the statues without communication with the House.

Question put, and agreed to.

(2.) £60,500, to complete the sum for the New Offices in Downing Street.

(3.) £1,150, to complete the sum for the Chapter House, Westminster.

(4.) £11,083, to complete the sum for Sheriff Court Houses, Scotland.

MR. DYCE NICOL said, he thought that the Committee should have some information as to the proposed Vote of £4,000 for the Court House at Aberdeen; there had been Votes already for the same purpose: in 1869-71, £10,000; 1870-1, £3,000; and now, £4,000—£17,000; a sum which required explanation. The Treasury, by the Act, were empowered to contribute one-half the cost of the Court Houses, subject to approval of the plans and estimates; and he (Mr. Dyce Nicol) desired to know what control had been exercised by the Government Surveyor of Works in Scotland over the Aberdeen Court House; and whether the original Estimate of £22,654 had been exceeded. Much dissatisfaction was felt by the ratepayers in the county of Aberdeen on the subject of the cost of this building; as to the taste displayed on which he would say nothing in presence of the hon. and gallant Member for Aberdeen (Colonel Sykes); but he must say it was inconsistent with the character of the other buildings in that fine street in which the Court House was situated. He (Mr. Dyce Nicol) trusted that the Chief Commissioner of Works would direct his vigilant eye to what he fancied was a lavish expenditure of money, and prevent the recurrence of such in the other Court Houses of Scotland, included in the Vote now before the Committee.

MR. CANDLISH wished for some explanation in reference to the matter. He also desired to know whether the works at Stirling were new works?

MR. AYRTON said, that the Government, having agreed to pay half the expense of erecting these new Courts, were, of course, obliged now to perform the agreement. No doubt the Government had trusted to the well known economy of the Scotch in administering their local affairs; but he was afraid that in this case there had been a little more magnificence indulged in than would have been the case if the whole cost had fallen upon local funds instead of half on the Imperial Treasury. The arrangement was that the whole expense should be £25,602; and £17,000 had

been voted up to this time. The expenditure up to this time had been £11,000, and this was the actual sum that had been handed over to the local authorities.

SIR COLMAN O'LOGHLEN said, that half the expense of building Scotch Courts was borne by the Government; in England, the whole expense was so borne; whilst in Ireland the whole cost was paid out of the county rate. He did not think this was a fair arrangement.

COLONEL SYKES said, the hon. Member (Mr. Dyce Nicol) had been a little premature. The local authorities at Aberdeen had done more than they were bound to do, and had received less than they were entitled to.

SIR JAMES ELPHINSTONE said, the works in Aberdeen were carried on at a disadvantage, because the Government doled out the money in such small quantities that the works could not be quickly proceeded with.

MR. M'LAREN explained that in these Courts, in Scotland, was transacted a great part of the criminal business of that country, and therefore it was but fair that they should be paid for out of the public purse.

MR. OSBORNE replied that the Irish County Courts were just in the same position as regarded their jurisdiction; but that the Scotch, being a "cuter" and more acquisitive people than the Irish, got half the cost of their Courts out of Imperial funds.

Vote agreed to.

(5.) £20,500, to complete the sum for the National Gallery Enlargement.

MR. W. H. GREGORY asked the First Commissioner of Works whether the plans for the work were completed; and, if so, whether tenders for laying the foundations would as soon as possible be issued? It was most desirable that it should be proceeded with at once, as since the acquisition of the Peel Collection the congestion at the National Gallery was so great that it was difficult to know where any additional pictures were to be put.

MR. AYRTON said, that the work of clearing the ground had been going on, so that no time had been lost. There had been a good deal of discussion as to the building; but the whole matter was now settled with the exception of a single point, which would probably be

disposed of in two or three days. Immediately this was disposed of the tenders would be asked for.

Vote agreed to.

(6.) £15,500, to complete the sum for Glasgow University Buildings.

(7.) £9,000, to complete the sum for the Industrial Museum, Edinburgh.

(8.) £30,500, to complete the sum for Burlington House.

(9.) £123,995, to complete the sum for the Post Office and Inland Revenue Buildings.

(10.) £3,970, to complete the sum for the British Museum Buildings.

(11.) £36,460, to complete the sum for County Courts, Buildings.

(12.) £42,547, to complete the sum for the Science and Art Department Buildings.

MR. BOUVERIE said, that not long ago a lecture was advertised to be delivered in the lecture-room of the Geological Museum, and for admission money was charged, which was to be paid, not to the public account, but to private individuals, who made use of the lecture-room for the occasion. He doubted whether that was a proper appropriation of the lecture-room, and he desired to know by whose authority permission was given for such a use of it?

MR. BAILLIE COCHRANE said, he thought that there should be a model exhibition, showing the whole of the works that were to be carried out, so that they might see all that was intended to be done.

MR. BOWRING wished to know whether the building would be completed next year?

MR. AYRTON said, he had only to do with the structure of the building, and had nothing to do with the manner in which it was employed. That was a matter which rested with the Vice President of the Council. A model was exhibited, showing the whole of the design of Captain Fowke; and the particular part of the building for which this Vote was required, and which would cost £195,000, was shown upon the model.

MR. BERESFORD HOPE asked whether the Government intended to proceed with the remainder of the South Kensington buildings; and, if so, when it was supposed that the whole would be completed?

Mr. Ayrton

THE CHANCELLOR OF THE EXCHEQUER said, the Government were not pledged to any further expenditure than the £195,000 in this Estimate. Before any fresh expenditure was undertaken the consent of Parliament would certainly be obtained.

MR. DILLWYN called attention to the fact that in this Estimate as much as £13,000 was asked for decorations of the building now in progress; he wished to know of what use it would be when finished?

THE CHANCELLOR OF THE EXCHEQUER said, this Estimate was the result of an arrangement made in 1866, when the present First Lord of the Treasury was Chancellor of the Exchequer. The Government had no choice but to complete the building. It was quite true that there was great difficulty in saying of what good such a building could be in South Kensington, where so many departments were growing up. All he could say was that the present buildings would be completed for £195,000, and the Government would be very careful before they entered into any fresh plans.

MR. DILLWYN said, he hoped the Chief Commissioner would check expenditure on the buildings at South Kensington as successfully as he had done on the House of Parliament.

MR. W. H. SMITH ventured to hope that no further buildings would be proceeded with at South Kensington without great consideration. The situation at South Kensington was not the very best that could be selected for the inhabitants of the Metropolis, or for those persons who were desirous of visiting the national collections. It was, in his mind, a misfortune that they should be placed practically beyond the reach of a large portion of the Metropolis. He regretted to find that the Natural History Collection was to be removed to South Kensington, instead of being placed somewhere in the centre of the Metropolis.

MR. M'LAREN said, he thought the sum of £13,000 was much too large a sum for the decoration of these buildings.

MR. AYRTON observed, that the decorations in question were part of the original structural plans of the building, and necessary to its completion; but strict directions had been given to the architect that these decorations should

not be of such a character as to be made the foundation of new demands.

COLONEL SYKES believed that the workmen who visited Kensington in their thousands received the most valuable and interesting information from the various objects which they witnessed.

MR. SCLATER-BOTH was of opinion that no establishment was more highly appreciated, or was productive of greater good than that at South Kensington. But all such establishments had a tendency to overgrow their reasonable limits. Many visitors complained of being bewildered by the immense number of new articles that were added from year to year. He hoped that the Government would place some limit to the expenditure of the money placed at the disposal of the authorities for the purchase of new objects.

MR. W. H. GREGORY said, he thought it of great importance that the buildings should be speedily completed, so that each collection might be seen as a whole. They were now shifted to and fro and in such great confusion that they served rather to bewilder than to amuse or instruct. Under the circumstances, he thought the sum laid out for decoration was by no means extravagant, considering the materials used and the extent of the buildings. The amount expended annually in purchases was very small indeed, and it was the last item he should be disposed to quarrel about. He hoped to be able hereafter to persuade hon. Members, in the terms of the Notice he had given, that it was absolutely necessary to have an inquiry with respect to these multifarious and incongruous collections, and to separate those that were for circulation from those that were for exhibition, while he was sure there were many specimens fit for neither purpose.

MR. OSBORNE: I have from the first and over and over again protested against the founding of these buildings at South Kensington, and I have now heard a condemnation of them in the expressions which have fallen from the Chancellor of the Exchequer. It is all very well to say that these places are for the instruction and amusement of the poorer classes. I am ready to vote moderate sums for that object; but when you come to an item of £13,000 for the decoration of these galleries, I say it is simply shame-

ful and monstrous. What is the present state of these galleries? The most important of them is nothing more nor less than a foundling hospital for the reception of pictures of a doubtful pedigree. The truth is, everything is sent up there which nobody else will have. There are certain persons there who, under the plea of teaching their fellow-countrymen, are making very snug berths for themselves. I look with horror upon a gentleman who, in the plenitude of patriotism, leaves a collection of pictures to the nation, because I know well what the consequence will be. This House will be called upon to vote sums of money for the reception of them. Look at the Museum. I cannot understand why there should be a School of Naval Architecture at South Kensington. I should have thought that the proper place for it would have been Portsmouth, or Plymouth, or some of those places—[Alderman Sir DAVID SALOMONS: Or Greenwich.]—or Greenwich, which is so efficiently represented in this House by the worthy Alderman—and who, I beg to remark, whenever the interests of Greenwich are brought forward, is the only Member who speaks for those interests. I have no objection to a School of Naval Architecture at Greenwich; but it can hardly be called a seaport town. We are running into great expense with the South Kensington Museum, and if we are to listen to every man of taste who gets up, there will be no end to these Votes. The hon. Member for Galway (Mr. W. H. Gregory) is, no doubt, a man of taste; let me commend to him two lines of Pope—

“What brought Sir Visto's well-got wealth to waste?”

Some demon whispered, ‘Visto, have a taste.’”

We have got that taste, and we are paying for it. Money is being voted year by year, and before we have done it will amount to a million. Remember that the Estimate for this building was £750,000, and the cost upwards of £3,500,000. I am sure that from what the Chancellor of the Exchequer has said that he feels the time has come when a stop must be put to this profligate expenditure of money furnished by the nation; and the sooner it is done the more it will be to the credit of this House.

Vote agreed to.

(13.) £97,200, to complete the sum for Surveys of the United Kingdom, &c.

(14.) Motion made, and Question proposed,

"That a sum, not exceeding £52,470, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for constructing certain Harbours, &c. under the Board of Trade."

MR. G. BENTINCK said, there were not to be found on record more marvellous monuments of human folly than some of the items in this Vote. The first three were called, or rather mis-called, Dover, Alderney, and Holyhead. As far as Dover was concerned it was a complete waste of money. When the first Vote was taken for this harbour his right hon. Friend the Member for Oxfordshire (Mr. Henley) made a calculation, wherein he estimated the ultimate cost for the first plan proposed would be £8,000,000, and that at the rate they were then proceeding it would take 200 years to complete the harbour. The scheme was afterwards modified, and the harbour was only useful to allow the packets from France to land their passengers at all times of the tide. As to Alderney, it was, perhaps, the worst case of all. It was nothing but a nest of rocks. It was not a harbour of refuge or a harbour of shelter. No seaman would take his vessel into Alderney except in very fine weather. So far from it being a harbour of refuge it was one of the most dangerous places in which a vessel could be placed. The original plan was extremely defective. To improve it an additional pier was run out, but in such a manner that it made the harbour worse than it was before. There was no trade with Alderney, and any vessel which went in under certain circumstances must expect to be lost. The money that had been expended had been an utter loss. Holyhead was an excellent harbour so far as it went; but it was another proof of the penny-wise and pound-foolish system on which our public works were undertaken, because it was found too small for the purposes required, and they did there, as was done at Alderney, run out a pier in the wrong direction, and made the harbour less beneficial than it was before. He begged to move, in order to bring the matter to a test, the omission of the sum of £21,483 for Alderney Harbour.

SIR JAMES ELPHINSTONE seconded the Motion. In 1862, when these works were first proposed, he divided the House against them. The works were of the most appalling nature, and were avoided by every class of ships. There were the most violent and uncertain currents running in all directions—such as the Race of Alderney and the Race of Sark. The money might as well be thrown into the sea, for the end of the pier was 132 feet from high-water mark, and, that being so, it might be easily understood what the base of the structure must be when operated upon by the most violent currents and an ocean swell. Voting money year after year upon this preposterous scheme was nothing but an act of perfect fatuity. It was strange that those who did so should this year have rejected a Vote for a harbour at Filey Bay, which he regarded as a matter of the highest importance.

Motion made, and Question proposed, "That the Item of £21,483, for Alderney Harbour, be omitted from the proposed Vote."—(*Mr. Bentinck.*)

MR. BAXTER said, he agreed with almost every word that had fallen from the hon. Member for West Norfolk (Mr. G. Bentinck) on this subject. It was totally impossible for anyone acquainted with the facts of the case to say a word in defence of one of the most gigantic follies of any nation. But they were in a fair way of having done with it. He hoped next year would be the last when that House would be asked to vote any money for Dover Harbour. The Committee was asked on the present occasion to vote the last sum of money for the completion of the works at Holyhead, and this would be the last year for voting any sum, however small, for Portpatrick. The Committee might recollect that last year, in consequence of a tremendous storm, the works at Alderney had been so shattered as to be almost destroyed, and it had been found necessary to send over Mr. Hawkshaw and others to examine the works. Mr. Hawkshaw had reported that it would take £250,000 to complete the breakwater; but that would be nearly the end of the expense. If we were to retain the harbour of Alderney, we must erect works to defend it, and he could not see the end of the expenditure if we were to embark on such a

course. He hoped in a very few months the full Report would be received, and it would be then for Her Majesty's Government to decide whether or not the House of Commons was to be asked for a further large sum to complete the works, or whether the wiser course was to be taken of abandoning those works altogether. He hoped, under the circumstances, the hon. Gentleman would not think it necessary to divide the Committee. He would undertake, on the part of the Government, that there should be no attempt to spend any more money until the House had full opportunity of expressing an opinion on the subject.

MR. LIDDELL asked, why there was £21,000 to be spent on the works this year? Why not put a stop at once to what was admitted to be a wasteful expenditure?

MR. BAXTER said, that Mr. Hawkshaw had reported it would be absolutely necessary to spend £21,900 in repairing the actual damage caused by the storm.

MR. CANDLISH said, he was gratified at hearing the speech of the Secretary of the Treasury; but the thing to be regretted was that we should spend upwards of £21,000 more on these works. He trusted the hon. Gentleman would agree to the Amendment of the hon. Member for West Norfolk. He pointed out the instances in which the Estimates had been increased, and in some cases doubled.

COLONEL SYKES observed, that there was reason to believe that the foundations were slipping into the sea. He thought it would be useless to wait for the Report of Mr. Hawkshaw, if after the expenditure of this money the harbour could never be used.

MR. HERMON said, he hoped the Government would not proceed with this Vote, but take a commercial view of the matter, and strike it out.

MR. RYLANDS said, he thought the Committee would not be justified in passing a Vote for a work which was generally admitted to be useless.

MR. G. BENTINCK, after hearing the admission of the Secretary to the Treasury, was surprised that he should defend a Vote of £21,000 for works which were in an insecure state. He would take the opinion of the Committee on the subject.

MR. ALDERMAN LUSK said, he thought that if the harbour would be useless it should be abandoned at once.

MR. BOUVERIE said, the public had embarked on this expenditure after great consideration had been given to it by those who were most competent to form an opinion on what was thought to be a great public object. After having spent so much money he questioned whether the House of Commons ought to withhold this Vote, because to refrain now from expenditure might be fatal to the whole outlay. As a matter of prudence they ought not to risk so much.

MR. HUNT said, he thought it odd that the Government should ask the Committee to spend so much money while they were waiting for a Report, in order to consider whether the works should be continued or abandoned. It would be fair for the Committee to say that they would not spend any more money until the Government had come to some determination. When they had done so they could ask the House for a further Vote of money.

THE CHANCELLOR OF THE EXCHEQUER said, that great injury had been done to the works at Alderney by the storms in the winter of 1869, and they were now in a deplorable condition. It was easy to say that the works could be abandoned; but a great danger had been created, and if the breakwater were left in its present condition that danger might be increased. Of this Vote, £10,000 was required to enable Mr. Hawkshaw and others to report upon the works, and that they could not do without experiments that would last 18 months. He could not exactly say what was going on now; but it might be rash to suddenly stop all expenditure. He thought the better course would be to allow the Vote to stand over for the present.

SIR JAMES ELPHINSTONE said, he thought it would be much better to settle the matter at once.

Question put, and *agreed to*.

Original Question, as amended, proposed,

"That a sum, not exceeding £30,993, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for constructing certain Harbours, &c. under the Board of Trade."

MR. HERMON moved to reduce the Vote further by the sum of £1,815, being the annual charges on the Works Department at Holyhead.

Motion made, and Question proposed, "That the Item of £1,815, for the Works Department, be omitted from the proposed Vote."—(*Mr. Hermon.*)

SIR JAMES ELPHINSTONE said, he thought it impossible to do without this Vote, owing to the engagements that had been entered into.

MR. BAXTER said, he hoped the hon. Member would not divide the Committee.

MR. HERMON said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

SIR JAMES ELPHINSTONE regretted that the harbour at Portpatrick had been given up, the harbour being one of great national importance.

MR. BOUVERIE trusted that the Government would further consider the matter before they finally determined to sacrifice the million and a-half of money that had been sunk in Alderney Harbour.

THE CHANCELLOR OF THE EXCHEQUER said, that the Government intended to review the position of affairs with regard to that harbour before they finally abandoned it.

Motion, by leave, *withdrawn*.

Original Question, as amended, put, and *agreed to*.

(15.) £450, to complete the sum for Portland Harbour.

(16.) £7,500, to complete the sum for the Fire Brigade (Metropolis).

(17.) £27,223, to complete the sum for Rates on Government Property.

MR. CANDLISH said, that this was an instance of the way in which large sums of public money were voted without there being any legal obligation on the part of the Government to pay. Contributions in lieu of rates were not legal payments, and, therefore, he moved that the Vote be omitted.

MR. GLADSTONE admitted that much might have been said in favour of the hon. Member's Motion had it been made at the time when the practice of the Government making voluntary contributions instead of paying rates was originally commenced; but as the whole

subject of these exemptions had been at last systematically considered, and as the Government now believed themselves to be in a position to ask Parliament to legislate definitively with respect to them, he thought it would be as well if the hon. Member did not press his Amendment, the more especially as in all probability this would be the last occasion on which Parliament would be asked to vote money for this purpose.

MR. BOUVERIE defended the Vote on the ground that in many small parishes the greater portion of the rateable property was in the hands of the Government, who were bound to contribute towards the rates. It would be impossible for a rate collector to assess the amount at which a public building should be rated, and the parishes which contained public buildings would have a right to complain if this Vote were omitted.

MR. SCLATER-BOOTH pointed out that in several Acts of late years it had been practically admitted that the exemptions of public property from rates ought to be abolished. How was it possible for a rate collector to estimate the annual rateable value of that House?

MR. M'LAREN reminded the Committee that the right hon. Gentleman the First Lord of the Admiralty had brought in a Bill under which all Government property throughout the kingdom would be rated. If that Bill passed it would be unnecessary for this Vote to be placed upon the Estimates again. The effect of the existence of large public buildings in a parish was to increase the value of the surrounding property. He trusted that the hon. Member would be wise enough not to press his Motion.

SIR JAMES ELPHINSTONE said, that a Committee had years ago reported in favour of a Bill being brought in on the rating of Government property, and he trusted that another Session would not be allowed to go by without such a measure being introduced. The subject ought to be dealt with by itself, and not made a component part of a large measure, embracing many other matters which might or might not be carried.

MR. RYLANDS pointed out the staff appointed for collecting the contributions in lieu of rates for Government property cost £715 per year for salaries and £200 for travelling expenses. He did not think the duties were sufficient to warrant such an expenditure.

Mr. CANDLISH, after what had fallen from the First Minister, did not press his opposition to the Vote.

Vote agreed to.

(18.) £122,465, to complete the sum for Public Buildings (Ireland).

(19.) £3,976, to complete the sum for the Ulster Canal.

(20.) £13,810, to complete the sum for Lighthouses Abroad.

(21.) £800, to complete the sum for the Embassy Houses, Paris and Madrid.

COLONEL WILSON-PATTEN asked, if any estimate had been made of the expense which had been incurred in consequence of the damage done to the Embassy house in Paris?

Mr. AYRTON said, no Report had yet been received on the subject; but if it should be found on a thorough survey being made, that any large expenditure would be required, it would be necessary hereafter to bring that circumstance under the consideration of the House. The present Vote would only cover the ordinary expenses for repairs.

Vote agreed to.

(22.) £36,215, to complete the sum for British Consulate and Embassy Houses, Constantinople, China, Japan, and Tehran.

In answer to Mr. BOWRING,

Mr. AYRTON said, Reports on this expenditure had been received from abroad, and carefully examined before the amounts were passed. With regard to the Consular house in Japan, the works there had been carried out according to a scheme described in a Report laid on the Table of the House from time to time by an officer sent out to investigate the subject. Nothing would be done without full consideration both at home and abroad of what was necessary to carry on the public service.

Vote agreed to.

Motion made, and Question proposed,

"That a sum, not exceeding £257,972, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for Superannuation and Retired Allowances to Persons formerly employed in the Public Service."

Motion, by leave, *withdrawn*.

(23.) £34,910, to complete the sum for the Merchant Seamen's Fund.

(24.) £27,200, to complete the sum for Relief of Distressed Seamen Abroad.

(25.) £14,533, to complete the sum for Hospitals in Ireland.

(26.) £4,863, to complete the sum for Miscellaneous Charitable Allowances (Great Britain).

(27.) £4,735, to complete the sum for Miscellaneous Charitable Allowances (Ireland).

(28.) £10,942, to complete the sum for Temporary Commissions.

(29.) £35,147, to complete the sum for Payments under Treaties of Reciprocity.

(30.) £650, to complete the sum for Flax Cultivation in Ireland.

(31.) £3,245, to complete the sum for certain Miscellaneous Expenses.

Resolutions to be reported *To-morrow*;
Committee to sit again *To-morrow*.

It being now Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

PRIVATE BILL LEGISLATION.

MOTION FOR A SELECT COMMITTEE.

Mr. PIM, in rising to move for the appointment of a Select Committee to inquire into the present system of legislation in regard to Local and Personal Bills, said, the subject to which he asked the attention of the House was one of great interest and importance. It was not a local but an Imperial question—the grievance was universal; though it was more severely felt in Ireland than in England or Scotland, owing to the greater distance, and the complete separation by the sea; and also because Ireland was comparatively much poorer than Great Britain. That grievance was, firstly, the increased expense of a contest conducted at a distance from the place where the parties interested resided. As an illustration he would read from a letter of Mr. Fitzgerald, an eminent solicitor of Dublin, and brother of Mr. Justice Fitzgerald, who stated that the total expense of the Dublin Main Drainage Bill would not be under £15,000; there were also the Alliance Gas Bill, the Newry Waterworks Bill, the Dublin Tramways Bill, all of which had occupied the time of the Legislature at a vast expense, and all of which could have been heard before a Judge in

Dublin at one-tenth of the cost, and with no loss of time. These observations referred only to a contested Bill; but even when there was no opposition, a *prima facie* case must be established, and therefore even in the case of an unopposed Bill, witnesses and other persons must attend in London. Another great objection to the present mode of procedure was the uncertainty as to the principles on which the decisions of the present tribunal were based. That was even worse than the expense of bringing witnesses from a distance, as it tended greatly to the increase of litigation, and increased the expenses of the contest. If they had a case before the Queen's Bench, and consulted a competent lawyer, he would say decidedly—"If the facts be so and so, I think you are sure of a verdict." But if they consulted a Parliamentary Agent he would probably reply—"I think your case is a fair one, but these things are always uncertain. It depends greatly on the Committee that may be appointed." Now he (Mr. Pim) certainly did not mean to attach any blame to the Committees on Private Bills. He had sat on such Committees himself, and he felt sure the Members of those Committees anxiously desired to give a fair and impartial judgment; but they were not infrequently without experience, and it was notorious that much uncertainty attached to the verdict of that tribunal, and that uncertainty necessarily led to litigation. The hon. Member then read from a speech of the Marquess of Salisbury—[3 *Hansard*, clxxiii. 649]—the Petition of the Associated Chambers of Commerce, in which the Petitioners, after referring at length to the great expense and uncertainty attending the carrying of Private Bills for Public Works through Parliament, concluded by saying—

"Your Petitioners respectfully submit that this evil would be best remedied by referring the evidence in support of, or in opposition to, such Bills to some permanent judicial body of competent and experienced persons, sitting in public, and who would hear and examine the same, and report thereon to each House of Parliament."

It appeared by a Return which had been laid on the Table of the House that the fees paid in that House on all local and personal and other private Bills amounted in 1869 to £23,377 7s., and in 1870 to £25,219 14s. 6d., of which latter sum England contributed £19,921 5s. 6d.,

Mr. Pim

Scotland contributed £3,228 7s. 6d., and Ireland £1,911 12s. 6d. No doubt that large sum was applied to a proper object; but what that object was he did not know. No one defended the present system as working satisfactorily; the question then was—how could the defects be cured? A Select Committee on the subject was appointed in the Session of 1863, when several suggestions were made by men of eminence who gave evidence before the Committee and others. The first of those suggestions was to substitute a Joint Committee of both Houses of Parliament for the separate Committees of each House. That was proposed by Lord Redesdale, and seemed to have met with some approval. Another proposition, suggested by the right hon. and gallant Member for Lancashire (Colonel Wilson Patten), was for the establishment of a distinct tribunal, external to the House, to ascertain the facts and report to Parliament. Again, it was proposed to empower the Board of Trade, under certain limitations, to issue provisional orders for all private undertakings. That proposition was supported by Mr. Booth, the Secretary of the Board of Trade, and by Earl Grey. Lastly, it was suggested that a distinct tribunal should be formed—a Court independent of Parliament in its constitution, with full power to hear and decide respecting all matters of private legislation, but whose decisions should not have legal force until confirmed by Parliament. That was the suggestion of Sir Erskine May, and a suggestion nearly the same in effect came from Mr. Richards, the counsel to the right hon. Gentleman the Speaker. The right hon. Gentleman the present Chancellor of the Exchequer (Mr. Lowe) was a member of the Committee, and also supported that proposition given in the proceedings, but which was not adopted by the Committee. That proposition made by Sir Erskine May, and supported by the present Chancellor of the Exchequer and others, was nearly identical with that contained in the Bill of his hon. and learned Friend the Member for Tipperary (Mr. Heron), except that his hon. Friend also provided that the Court should sit in the locality to which the proposed legislation referred. All those suggestions were, however, rejected:—and a Resolution, proposed by Lord Stanley, was carried in the Committee

by 7 Members against 6. Several of the witnesses before the Committee of 1863 dwelt on the supposed unwillingness of the House to part with its jurisdiction. But that could scarcely be advanced now, after the precedent set by the Election Petitions Act of 1868. That Act provided that the decision of the Court of Common Pleas should be final, and that the Report of the Judge as to corrupt practices should—

“Have the same effect, and may be dealt with in the manner, as if it were a Report of a Committee of the House of Commons appointed to try an election petition.”

It also provided that the trial should take place in the county or borough to which the case referred. The House had thus parted with its jurisdiction in the most important matter which could come before it—namely, the validity of the elections of its own Members; and it had decreed a local trial, the decision of which was final and conclusive, and on which might depend, and had depended, the disfranchising of a borough, when corruption had been proved before this new tribunal which was external to the House. The hon. Member having read extracts from the speeches of Mr. Disraeli and Mr. Gladstone during the debates on the Election Petitions Bill—[3 *Hansard*, exc. cxc. cxcii. cxciii.]—proceeded to say that no one suggested that the change then adopted was injudicious. No one thought of proposing to bring back to the House the consideration of Election Petitions. The saving of expense under this Act was worth considering. The taxed costs of the Limerick inquiry—he spoke, of course, of the successful party, the unsuccessful settled his costs with his attorney without submitting them to taxation—was £285, which was the lowest. The highest was £1,281 15s. 4d., being the costs of the Petitioners in the case of Dublin; while the costs of the respondent to the second Petition in Dublin were taxed at £986 18s. 6d. Those were, no doubt, large sums; but the trial lasted for 11 days, and was thoroughly contested. He could not speak from personal knowledge of the costs of the trial of Election Petitions, but the thought it would be no exaggeration to estimate the probable amount in such a case at five times what the costs in Dublin actually were in 1868. That showed the great advantages of local inquiry, in regard to saving of ex-

pense; but a local inquiry was also of great importance as a means of arriving at a correct judgment respecting the matter under consideration, whether unopposed or disputed. Take the case of the Dublin railways. In the year 1865 there were five rival schemes for uniting all the Irish railways at Dublin. Two of those projects proposed a central station within the city, and two others proposed to effect the junction by lines not passing through the city itself. Each of those four had warm supporters, and, of course, warm opponents. The contest was a fierce one, lasting 23 days and costing over £50,000. At length the Committee decided in favour of the fifth project—of which he would only say that in Dublin everyone thought it so preposterous as to be unworthy of serious consideration. Of course, nothing or almost nothing had been done since, and Dublin had lost the great advantage of a central station, which we should certainly have had if either of the projects which included a central station had been chosen. He (Mr. Pim) had commenced by stating that the question was one of Imperial magnitude; but he also maintained that it affected Ireland more than any other part of the United Kingdom, because Ireland was more distant from London, and the cost of conveying witnesses to be examined was consequently greater. He wholly disavowed any desire to tinge the question with a political bias, or, as had been suggested, to take a step in the direction of a severance of the union between Ireland and Great Britain. His great object was to have a local tribunal, the decisions of which, he believed, would be generally respected, and not often impugned by the House, even though it should possess the power of setting them aside. The question had excited much interest in Ireland. He could speak as regarded his own constituents; and his hon. Friend the Member for Belfast (Mr. M'Clure) presented a Petition some time since, from the Corporation of Belfast, strongly in favour of the Bill introduced by the hon. and learned Member for Tipperary (Mr. Heron). Therefore, the Corporation of that rapidly increasing borough, which might be considered as representing the province of Ulster, was found united with the citizens of Dublin in looking for better and less expensive arrangements for private legis-

lation. In this matter, at least, both North and South were united. He would not detain the House longer, except to thank them for the kindness with which they had listened to him. He begged to move the Resolution of which he had given Notice.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the operation of the present system of legislation as regards Local and Personal Bills, and to consider whether means may not be devised for the improvement of such legislation."—
(*Mr. Pim.*)

MR. DODSON, in reply, said, that while agreeing with the spirit of much that had fallen from his hon. Friend, he differed from him with respect to the methods he proposed to adopt. No doubt a Private Bill Committee of that House was an expensive, a slow, and to a certain extent, owing to its composition, an uncertain tribunal, while to the public outside it often had the appearance of being more capricious in its decisions than it was in reality. Indeed, a Private Bill Committee was somewhat in the position of a jury without a Judge to guide them. On the other hand, these tribunals had great virtues and valuable qualifications, which in some respects rendered them singularly suitable for the peculiar kind of questions they had to deal with. The questions they had to decide were not strictly legal ones, as they frequently had to consider questions of policy, and to ascertain the balance between private disadvantages and the public good. Again such Committees were not only strictly impartial, but they were universally admitted to be so. They consisted of hon. Members who were in the greatest measure guided by the public opinion of the time in regard to the questions brought under their notice. In the case of railways, for example, public opinion had undergone a complete change during the last 25 or 30 years. Now, if questions relating to railways had been tried by a fixed and permanent legal tribunal, one of two things must have happened; either that tribunal would have adhered to settled rules and precedents, which would have become opposed to the wants or feelings of the people in less than ten years, or else it would have been characterized as a capricious tribunal. He had himself endeavoured to effect im-

Mr. Pim

provements in our Private Bill legislation, and he felt disposed to remit, as far as possible, the trial of all the smaller kinds of cases, which did not much depend on public opinion, to a tribunal outside the House. This had been done to a certain extent by the further extension of the system of provisional orders. Little good, he thought, would be effected by the appointment of a Select Committee to consider generally the subject of Private Bill legislation. In the last 18 or 20 years there had been no fewer than 16 Committees of the House which had investigated the subject; but most of the changes introduced during that period were due, not to the recommendations of those Committees, but to some particular case having shown the necessity of a change. Not long ago Committees of that House dealt with cases of divorce, naturalization, turnpike trusts, copyholds, and inclosures; but all these matters were banished almost entirely from the House, and remitted either to Courts of Law or to bodies of permanent Commissioners. Then, in regard to sanctioning public works, a great deal had been done in the same direction by extending the system of provisional orders. Tramways, and in some cases gasworks and waterworks, could be dealt with in the same way. The system of provisional orders, however, could only be extended gradually and tentatively; because if persons were compelled to resort in the first instance to a provisional order, the result in regard to large and strongly-contested schemes would be merely to add another inquiry to the Parliamentary inquiry. He hoped that gradually the work of the Committees might be lightened, and that persons might be enabled to obtain authority for works which they wished to undertake by a shorter process than necessarily coming to Parliament. A step in advance was taken last year, and the discussions which had recently taken place showed that that was as far as the House was disposed to go at present. An Act was passed last year to enable the Board of Trade to make provisional orders in the case of tramways authorized by the local authorities; but when the feeling on the subject became strong, persons did not rest satisfied with the preliminary decision of that Board, but insisted on coming before the House. However much he might be

disposed to advance in that direction, he did not think that the present was a favourable time for doing so. The hon. Member had alluded to Ireland, and the case of Irish promoters was somewhat hard, because they were put to very considerable expense in bringing their witnesses to this country; but something might be done by means of Standing Orders and an Act of Parliament to meet their case. The Chief Secretary for Ireland had now before the House a Bill on the subject of Local Government in that country which would in some respects meet the objections that have been urged by the hon. Member, and would enable the making of provisional orders in cases where it was now necessary to apply to Parliament. Something further might be done to enable Irish promoters to obtain provisional orders by application either to the Lord Lieutenant in Council or to the Chief Secretary in the case of railways and gas or waterworks, and such a course was not adopted without precedent. But, in order to do that, it would be requisite to pass a short Act of Parliament, and not merely to have the Report of a Committee. The hon. Member for Dublin might not be aware that a Joint Committee of the Lords and Commons had been appointed in the present Parliament to consider this subject, and they had reported in August, 1869; but, as their Report had never yet been considered by the House, it would be premature at present to appoint another Committee. Under the circumstances, he hoped the hon. Member for Dublin would be satisfied with having called attention to this subject, and especially to the circumstances of Ireland and the difficulties of promoters in that country. He was disposed to consider the points which the hon. Member had brought before the House, and would be willing to do what he could to obviate the difficulty without putting Ireland in a position different to the rest of the country. No one was more sensible than he of the defects of private legislation, and no one was more anxious to remedy them; but he was convinced that it was only by proceeding gradually that the House could advance safely and satisfactorily.

MR. LEEMAN said, that during the whole of the time of this discussion there had not been enough Members present to form a House. He had, however, re-

frained from calling attention to the fact, being anxious that the hon. Member should have an opportunity of bringing forward this subject, and that the Chairman of Committees should be able to give the explanation which he had afforded to the House. He now thought that to continue further the discussion of a subject of this importance in a House of 30 Members would be idle and trifling, and therefore he begged to move that the House be counted.

MR. SERJEANT SHERLOCK admitted that the Chairman of Committees had thrown a great deal of light upon the subject of the Motion, and had given them the benefit of his experience. The hon. Gentleman, however, had acknowledged that Committees were not the best tribunals that could be devised for the determination of important questions of local interest. The hon. Gentleman had compared the position of the Committees to a jury without a judge; and certainly nothing could be more unsatisfactory than such an incomplete tribunal. The practice of deciding the local affairs of distant places in London—and the observation applied to York, Edinburgh, or Aberdeen, as well as to Dublin or Cork—was unjust to those places, and to the individuals or public bodies who sought to promote local improvements there. To those whose property or interests were likely to be prejudiced by some projected scheme, the present practice was equally unjust. The expense of opposing a Private Bill in Parliament was often fully equal to the injury which a party might sustain by the Bill passing into law. Besides, the present system showed to what disadvantages these distant localities were subject compared with the Metropolis. The House had seen within the last few days a measure affecting the interests of a portion of the Metropolis re-discussed and re-opened after it had been decided by a Committee of this House; and the residents of that part of London who objected to a tramway passing before their doors had sufficient influence with hon. Members to induce the House to set aside the ruling of the Committee, and they got rid of the apprehended inconvenience of tramways in Oxford Street and the other portions of the Metropolis sought to be affected by the Bill to which he alluded. He might ask, would the opponents of

local tramways in any other locality than the Metropolis have had a chance of success if they had appealed from the decision of a Committee upstairs? There was no doubt as to the ability displayed by Committees, nor of their impartiality, nor of the care they bestowed on matters referred to them; but the whole question was whether such inquiries would not be much better held in the localities to which they referred. It was obvious that the opportunities for a full and fair investigation of the merits of schemes for local improvements were considerably greater when the inquiry was held on the spot, and the expenses would be proportionally decreased. Besides, the Business of the House had greatly increased, and it was desirable to lessen the duties of hon. Members, by allowing local inquiries to be disposed of locally, so that they could devote themselves to the consideration of Imperial measures, which they were now called upon to do not only at night, but at Morning Sittings. Nothing was more usual than for hon. Members to move the adjournment of debates on the very fair ground that they were exhausted from protracted attendance on Committees in the morning, followed by late sittings in the House during the night. Committees on public questions were necessary and incidental to the carrying on of the public affairs of the country; but private business could be better investigated, and conducted both more cheaply and expeditiously where the questions originated than under the present system. On the ground of expense, and of the inconvenience to which the public were subjected by the present system, and also from a fair regard to local interests, he trusted the Motion of his hon. Friend would receive the favourable consideration of the House.

Mr. WHALLEY rose to address the House—

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

Mr. WHALLEY proceeded to address the House—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after
Ten o'clock.

Mr. Serjeant Sherlock

HOUSE OF LORDS,

Wednesday, 28th June, 1871.

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at Four o'clock, till
To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Wednesday, 28th June, 1871.

MINUTES:—SELECT COMMITTEE—*Fifth Report*
—Public Accounts [No. 321].
PUBLIC BILLS—*Ordered—First Reading*—Royal
Parks * [217].
Committee—Burials [7]—R.F.
Third Reading—Sequestration * [208], and *passed*.
Withdrawn—Registration of Deeds, Wills, &c.
(Middlesex) [36]; Railway Companies * [5];
Parish Churches [53].

REGISTRATION OF DEEDS, WILLS, &c.
(MIDDLESEX) BILL.—[BILL 36.]
(*Mr. George Gregory, Mr. Cubitt, Mr. Hinde
Palmer, Mr. Goldney.*)
COMMITTEE.

Order for Committee read.

Mr. G. B. GREGORY, in rising to move "That the Order for going into Committee on this Bill be discharged," said, that when he proposed the second reading of the Bill he stated that it was founded on the unanimous recommendation of a Committee which had inquired into the subject, and that the Attorney General concurred in the general object of the measure. The only opposition offered to the second reading was by the hon. and learned Member for York (Mr. Leeman) who considered that it might be adopted as a precedent, and injuriously affect the registration system of the county with which he was connected, which had worked so well. But he thought the hon. and learned Member, on examining the Bill, must be convinced that it had no such tendency. He (Mr. Gregory) intimated at the time that he did not intend to proceed further on account of the pledge given by the hon. and learned Gentleman the Attorney General, that he should be

prepared to legislate on the subject during the ensuing Session, and it was his intention to withdraw the Bill. He hoped that the pledge would be redeemed; but he should re-introduce the present measure next Session, and would press it forward in case the hon. and learned Gentleman was not able to provide for the same objects. He withdrew the Bill with extreme regret, because he believed it would have been a step, though a limited one, towards reforming the law of the transfer of real property. Such a subject might have been dealt with in "another place," and he thought it was a reflection on the Government that they had not given the other branch of the Legislature an opportunity of considering such a measure. He would move—That the Order of the Day for going into Committee upon the Bill be discharged.

MR. LEEMAN said, the hon. and learned Gentleman the Attorney General being absent, he wished to say a word in his defence against the complaint just made. During the last fortnight many complaints had been made on the Conservative side of the House that the Government had undertaken too many measures this Session. The Attorney General, on the second reading of the Bill, told his hon. Friend the Member for East Sussex (Mr. G. Gregory) that this subject required very great consideration, but he pledged himself to introduce, in the course of next Session, such a measure as his hon. Friend referred to. If the hon. and learned Gentleman the Attorney General had introduced that measure this Session, what chance would he have had of passing it?

MR. CUBITT said, he should regret the withdrawal of the Bill, as he believed it might have been successfully carried through Parliament if a vigorous effort had been made. He hoped, however, that such a measure would be passed next Session. He wished to point out that in connection with this registry there were three sinecure offices. One of those offices having become vacant, the Lord Chief Justice of the Queen's Bench, who had the appointment in his absolute gift, had refrained from filling up the vacancy; but the public had as yet received no benefit from that, as the fees belonging to the vacated office had been divided in equal parts between the Consolidated Fund

and the two gentlemen who held the other sinecures, making their already too large incomes larger by £700 a-year each. Whenever a Bill on the subject was carried successfully through the House, he hoped those gentlemen would not be entitled to claim compensation for this windfall, in addition to the compensation which they would have a right to for the loss of their own salaries.

Motion agreed to.

Order discharged: Bill withdrawn.

RAILWAY COMPANIES BILL—[Bill 5.]

(*Sir Henry Selwin-Ibbetson, Mr. Hinde*

Palmer, Mr. Rowland Winn.)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [15th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day three months." —(*Mr. Leeman.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate resumed.

SIR HENRY SELWIN-IBBETSON said, that since the debate on this subject was adjourned the whole circumstances of the case had been very much altered. Many of the railway companies which were before endeavouring to do away with certain causes which led to accidents had continued in that course, and public attention having been drawn to the subject, two important matters had been very largely adopted—he referred to the use of the block system, and to interlocking signals and points. In addition to that, the right hon. Gentleman the President of the Board of Trade had fulfilled his sort of promise to deal with one portion of the subject, by introducing another Bill which, though it scarcely went far enough, would yet form an important addition to the security of the public in railway travelling. Under these circumstances, he would now move—"That the Order for the second reading of the Bill be discharged."

MR. A. PEEL said, his right hon. Friend the President of the Board of Trade stated when the Bill of the hon. Baronet the Member for West Essex (Sir

Henry Selwin-Ibbetson) was under discussion, that though there was much in it which he could not accept, yet there were many points of which he approved, and he had accordingly introduced a Bill to carry out the pledge which he had given. With regard to compensation for accidents, his right hon. Friend felt that it would not be advisable to fix a limit, particularly in the way proposed by the hon. Baronet, for there would be something invidious in limiting compensation according as people were first, second, or third-class passengers. His own opinion was, that the best remedy would be found in insurance. That would be the best test of the value which people put upon their lives. But though it was not possible for his right hon. Friend to agree with the scheme of compensation proposed by the hon. Baronet, he had taken into consideration the relation between masters and servants, a matter surrounded by great legal difficulties. He was hopeful that his right hon. Friend would be able at some future time to bring in a Bill which would do away with a great many of the figments of law which prevented responsibility from attaching to the right parties, and the persons injured from obtaining that compensation to which they were entitled.

Mr. LEEMAN said, he was glad to hear that the Bill was to be withdrawn. For the information and satisfaction of the public at large, he begged to confirm what had been said by the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson) as to the course pursued by the leading railway companies, who had on all the crowded portions of their lines, where the block system could be of use, largely adopted it, and also the system of interlocking. That he (Mr. Leeman) considered sufficient, for it would be useless to incur the cost of applying those systems to branch and main lines, where the traffic was frequently very light. While the companies considered that the Government Bill would impose on them many onerous obligations, they were, in deference to public feeling, content with the measure, and therefore no opposition would be offered on their part to the second reading, nor any Amendments proposed to the Bill as it stood.

Mr. BASS said, the railway companies owed a great debt of gratitude

Mr. A. Peel

to the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson) for having presented them in that Bill with inducements, and, indeed, obligations, to correct their very imperfect system. Under present circumstances, the hon. Baronet had no alternative but to withdraw the Bill. For his own part, he could not express entire satisfaction with the Bill of the Board of Trade; but then it was matter for congratulation that it was the intention of the President of the Board of Trade to take into consideration some mode of bringing home to employers responsibility for injuries and deaths caused by their servants. Since that Bill had come under discussion the hon. Member for Gloucester (Mr. Price), who was Chairman of the Midland Railway Company, had taken exception to a statement which he made about the servants of that company being overworked. His hon. Friend said there was no foundation for that statement. A subsequent conversation had led him to believe that that was a hasty expression of opinion on the part of his hon. Friend. He had desired his hon. Friend to point out a single point in which he was inaccurate, and his hon. Friend assured him that he could not. He regretted his hon. Friend was not present to acknowledge that he had not said a single word which was not fully justified.

Amendment and Motion, by leave, *withdrawn.*

Bill withdrawn.

PARISH CHURCHES BILL.—[Bill 53.]
(*Mr. West, Sir Percy Herbert, Mr. Hughes.*)

SECOND READING.

Order for Second Reading read.

MR. WEST, in rising to move that the Bill be now read the second time, said, that was not in any sense a Church question exclusively. If it affected the Church it affected Nonconformists also. The object of the Bill was to prevent for the future Bishops from granting faculties for pews in parish churches. There was also a provision in the Bill conferring upon churchwardens the right from time to time of controlling the arrangements in parish churches, so as to make them more convenient to the parishioners at large who wished to attend the services of the Church of

England. The system of granting faculties for permanently appropriating pews was a great evil, which few would deny. Previous to the Reformation, no such thing as the appropriation of pews existed in that country, and it was not recognized by the common law of the land. But after the Reformation there were several causes which led to the pew system. The enforcement of Calvinistic doctrines had something to do with it, for Calvinistic teaching was more generally enforced by sermons than by the union of the parishioners in prayer. There were very few people except the Roman Catholics who were not members of the Church of England, but the population was scattered. Churches were numerous, and there were more sittings in the parish churches than the inhabitants of the whole country could occupy. The system of appropriating pews accordingly grew up, and it was not very extraordinary that landowners and farmers should have sittings appropriated to them at a time when there were hardly any independent workmen, for the labourers connected with the great houses were regarded as domestic servants, and were supplied with seats in the pews of their masters. After a time great coldness came over the whole worship of the Church of England, and in many parish churches there was only one service, in others there were but two. When there was but one service the evil did not appear so prominently. Then, unfortunately, the archdeacons had neglected the duty imposed on them by the law of the country, and winked at the encroachments made by the upper and middle classes upon the common law rights of the parishioners. He might congratulate the House that neither cathedrals nor collegiate churches had ever come under this system, and, therefore, he was surprised that his hon. Friend the Member for Salford (Mr. Cawley), who was connected with a place which possessed a collegiate church—he meant Manchester—should have given Notice that he would move the rejection of the Bill. It might be said that the grievance intended to be remedied by that Bill was an imaginary grievance; but that was not so, for he had been informed of a case where, in a parish of 200 inhabitants, there was a church containing 10 pews, each of which would accommodate six persons. Eight of

those pews had, however, been appropriated, and only two were left for the accommodation of the parishioners generally. There were many services now held in our churches, and it was a great hardship that a person who only went to one service should be able to exclude other persons from his pew at the other services. It should also be remembered that the populations were increasing, and that there was no longer a sufficiency of room. The object of the present Bill had been approved of by a Royal Commission in 1832, and by a Committee in the House of Lords in 1858; and he believed that all that had recently happened in the Church of England tended to show the necessity for such a measure, for the very bitterness of religious controversies in the Church showed that they had arisen from a renewed intellectual life. It was that recommendation of the Committee of the House of Lords that he wished to embody in a law. He hoped the House would extend the comforts and the blessings of the Church of England services to a class of persons who were now excluded from them by the present system of keeping the pews closed. In conclusion, he begged to move that the Bill be now read the second time.

MAJOR GENERAL SIR PERCY HERBERT, in seconding the Motion, said, they were all familiar with cases in which churches were blocked up with pews, and only a very small section of the area of the church left for the congregation at large, who had to seat themselves under the galleries, near the doors, and in the least comfortable places. School children were to be found in many churches sitting on the steps of the altar, simply because the area of the church was filled with large pews, many of them unoccupied or occupied by a few individuals only. Besides that, many churches had of late years been re-appropriated after the old pews had been taken away. To his own knowledge the seats in a considerable parish church had been rendered absolutely free according to law within the last 20 years, and afterwards allotted, he believed contrary to law, by the churchwardens. The consequence was, that the seats were now as much appropriated as they had ever been under the old pew system. In a case which came under his own personal knowledge, about

eight seats were allotted to the head of one family when he had six sons and daughters, and only two seats to a person lately married. The six sons and daughters had left the parish, having married and settled elsewhere, and the person to whom the eight seats were allotted still sat in the large pew, but the person who had only two seats assigned to him, and had now six or seven children, could not find a place to put them in. If such a practice affected the middle classes, how much more must it affect the poorer portion of the population. He did not wish in any way to prevent by this Bill the churchwardens from having full powers to make such regulations as might be necessary for the decent and proper conduct of divine worship. That power was especially needful in towns where the churchwardens could not award seats, and where the parishioners were often crowded out by strangers when a popular preacher performed the service. The Bill provided amply for a case of that kind. What he wished to secure was the undoubted right of the parishioners to go to their parish churches and share in the services conducted therein. To secure that end, he thought they ought to sacrifice any prejudices they might feel on the subject.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. West.*)

MR. CAWLEY, in moving that the Bill be read a second time that day three months, said, that his hon. and learned Friend the Member for Ipswich (*Mr. West*) had described the Bill as relating to ancient parish churches. [*Mr. West*: I did not use the word "ancient."] Well, if his hon. and learned Friend did not use the word, he argued only from abuses in ancient parish churches, and expressed his astonishment that he (*Mr. Cawley*) should be found opposing the Bill when the church in his own parish was free in the body for the use of the parishioners at large. But it was his experience in the parish of that collegiate church which led him to take so decided an opinion in regard to that Bill, which would affect that ancient parish church not as regarded the body merely, for which there was no necessity existing, but in regard to galleries erected by subscription, the proceeds

Major General Sir Percy Herbert

from which would be lost if that Bill passed into law. [*Mr. BRESFORD HOPE*: No, no; see the saving clause.] There was really nothing of the kind in it. The Bill professed to be declaratory and enacting. What was the meaning of declaratory? A declaratory Act was appropriate when a previous Act had been interpreted by the Courts of Law in a sense different from the intention of the Legislature. But if an Act was misunderstood by those whose duty it was to enforce it, then the Courts were the proper places to go to. But even supposing the law required to be altered in some respects, that Bill went entirely beyond the object. According to the interpretation clause, the word "parish" was not to mean simply the mother or ancient parish, but any separate, legally constituted ecclesiastical district. The Bill would, therefore, apply to the 70 or 80 parishes into which, for ecclesiastical purposes, the ancient parish of Manchester had been divided. And what did the Bill propose to enact in the case of the churches in those parishes, and in every ecclesiastical district throughout England and Wales? Why, that the entire area of the church, inclusive of the galleries, should be devoted to the free and equal use of all the parishioners of a parish. Now, the effect of such an enactment in the case of a large number of churches would be to leave the incumbent or the rector without any income, except such as might be voluntarily subscribed for him. Where sufficient provision was made for the clergyman he had not the slightest objection to the abolition of pew-rents; but so long as such provision was not made, and the clergyman was left dependent on the congregation, he was not prepared for their abolition. Although many believed that more would be obtained for the support of the minister in that way than there was at present, yet he had no wish to see a state of things which had been described by a Nonconformist clergyman, who spoke of himself as the dependent minister of an independent congregation. Why, he should like to know, should not parishioners who attended the parish church undertake to pay a certain sum for the support of the clergyman, just as they undertook other payments which were not enforced by law? It was a mistake to suppose that the Bill

would not affect existing pew-rents, and if his hon. and learned Friend meant that it should only apply to future churches, he should withdraw it and introduce another Bill in its stead, with its object stated plainly on the face of it. His hon. and learned Friend, he might add, ought to know that in every church which was made a parish church it was not only the right, but the duty of the churchwardens to seat people in the pews, and that although there were instances in which some ill-conditioned people prevented their seats from being occupied by others, although they only partially occupied them themselves, such instances were the exception and not the rule, and churchwardens could guard against them, except where, by a faculty, the occupier of the pew had the right to lock the door. Indeed, a remedy for the state of things complained of was, he thought, to be provided rather by the effect of public opinion and the good feeling of the congregation than by any legislative measure. How, he should like to know, in parishes or large towns were the churchwardens to tell who was a parishioner and who was not? If an attractive preacher drew considerable numbers to a particular church, was the churchwarden to take his stand at the door and keep everyone out until the parishioners were all seated, or until he had ascertained that they were not coming to church? It was quite clear that unless some right were given to prevent the occupation of seats until a certain time, the real parishioners would, in the majority of cases, be excluded from their own pews. He was aware that it was said the experiment had been tried, and had been found successful. But those cases were very few. In one instance in Manchester which had been referred to, proving the success of the experiment in a pecuniary point of view, he ventured to assert that the congregation was not composed of parishioners belonging to the church, but of persons holding particular views who supported it, coming to it from surrounding parishes. His hon. and learned Friend would recollect one case which had been spoken of as a success, in which the clergyman found himself driven to such straits that he was obliged to take up his residence in the tower of his church in order that he might have no rent to pay; but, unfortunately, certain officials

who were wide awake assessed the church and the tower as a dwelling-house, so that the clergyman discovered that he was in a worse position than if he had occupied a house. He now came to the 5th clause of the Bill, which provided for the equal distribution of the seats to rich and poor throughout the church. If by that it was meant that the churchwarden was to take care that rich and poor should be interspersed, was it, he would ask, so long as social distinctions continued to exist, desirable that the poor man should be reminded of them by the greater proximity in which he would be placed to his rich neighbour in the church? His hon. and learned Friend would, he thought, find that the religious poor would much prefer being able to have their own seats, where they could worship by the sides of their wives and children. He admitted nothing could be worse than placing the free seats in the worst part of the church; but he was happy to say that the practice was being discontinued. The Bill as it was brought forward, by absolutely prohibiting the taking of pew-rents in any existing church of a parish or ecclesiastical district, was totally different from the measure which his hon. and learned Friend had first advocated. It would produce a complete revolution in the state of our ecclesiastical relations, and create great confusion. When provision was made for the endowment of all churches in the land, then they might do away with pew-rents; but until then they ought not, by a violent measure such as this, to introduce a change contrary to the general feeling and the all but universal practice of the various churches of the land. Entertaining these views with respect to the Bill, he should move that it be read a second time that day three months.

MR. D. DALRYMPLE seconded the Amendment, on the ground that the Bill would create an amount of disturbance and inconvenience in parishes which would far exceed any benefits which it was likely to confer. The object which his hon. and learned Friend the Member for Ipswich (Mr. West) had in view — that of filling their churches with all classes of people who might wish to go there to worship — was one which must, of course, commend itself to every man; but under the operations of the 5th clause, earnest, regular church-going people would not

like to find the seats which they had been accustomed to occupy every Sunday morning when they went to church taken up by others, and the books of devotion which they might have left there removed elsewhere. Not desiring to encounter such a state of things once a-week, they would be put to the inconvenience of going to church a-half or a-quarter of an hour sooner in order to get their seats. He quite concurred, also, in the opinion expressed by the hon. and learned Gentleman who had just sat down (Mr. Cawley), that the poor would prefer worshipping among themselves to being mixed up indiscriminately with persons who happened to be in a higher social position; and it should be borne in mind that high and low were equally worshippers wherever the seats which they occupied might be situated. Not only that, but great confusion would arise, especially in country parishes, from an alteration of the law; and, consequently, the churches would be less filled. If they desired to fill the churches, clergymen should have more regard to the character of their congregations, and not preach over the heads of the greater portion of the number.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Cawley.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. BERESFORD HOPE said, he felt some difficulty with regard to the Bill, in the form in which it was presented to the House. With the principles of the Bill he had almost entire sympathy; but with its machinery he had many faults to find. The course he should adopt would depend upon whether the hon. Mover would be content, upon that stage, either to leave the Bill for the consideration of the country during the Recess, or refer it to a Select Committee; or whether he would claim to make further progress. If the hon. Mover pursued either plan, the Bill might be read a second time without the House being committed to its details, although he confessed to an aversion for purposeless second readings. A declaratory Bill such as that was generally had the effect of weakening the old common law, which it was intended to strengthen, and, therefore, he doubted whether the Bill was necessary; but as

Mr. D. Dalrymple

he could not vote that the principle contained in the Bill was unsound, he could not support the Amendment. He welcomed the introduction of that Bill as a proof of the growth of public opinion in the right direction. He was proud to own that he had in his youth come forward as one of the earliest opponents of the pew system, and while still an undergraduate at Cambridge had become a member of the Camden Society, which, in consequence of preaching a crusade against the abuse by word of mouth, by pamphlet, and by hand-bill, was regarded as revolutionary and dangerous. The cause which then they advocated had, in the intervening years, become so far triumphant that the statutable recognition of open seats in churches had on that afternoon become the subject of Parliamentary debate. Still, he must ask whether it would not be far better to have left the question to work itself out, with the aid of increased good feeling throughout the country? The congregational principle, in the working of town parishes, was, no doubt, absolutely necessary in the existing conditions of the Church, but it was nevertheless a new principle, and the Bill failed in adequately recognizing that novel and important element in the Church polity. Before considering the clauses of the Bill, he must say something about the objections which had been urged against its principles. He did not think much of the plea that churchwardens could not know all the parishioners, and still less of the argument rough-hewn by the hon. and learned Member for Salford (Mr. Cawley), and elaborated by the hon. Member for Bath (Mr. D. Dalrymple), with details which astonished him as proceeding from the mouth of a Gentleman of advanced Liberal opinions—that the best method of promoting humbleness of mind was to put the gentle portion of the congregation by themselves, without their being irritated by the spectacle of their poorer brethren, who, as the hon. Gentleman said, might go to the free seats and be contented. He remembered having many years ago to seek a church where his household could worship. He went to the individual who let the pews in a chapel of ease near his residence, and he said he wished to take a pew. The man produced a plan, and he selected the one nearest the pulpit and the reading desk. But, unluckily, he dropped the observation

that the pew was for his servants; whereupon the man said—"You don't mean that you are taking the pew for your livery servants?" On his saying—"Yes, I am," he received the reply—"Then I cannot let it you, for if livery servants were to come to the pew, all the ladies and gentlemen in the neighbouring pews would cease to attend." He need hardly add that his most prominent feeling was regret at his unseasonable frankness. Now to come to the question, was that Bill, as it stood, one which ought to be, or which could become the law of the land? He thought it showed signs of haste in the way it had been framed—and in various places its language was ambiguous. He took exception to the 5th clause—indeed, it baffled his power of comprehension. The first portion of the clause recited that it should not be lawful for any Bishop or churchwarden to allot, assign, or appropriate any seat in parish churches, and provided that all parishioners should equally enjoy the use of the church. The first part of the clause forbade churchwardens to appropriate seats; but the latter part allowed churchwardens to direct and order the appropriation of seats by parishioners and others, so that due order and decorum should be observed. In treating that subject it was necessary to take account of that congregationalism which had, fortunately as he thought, become a portion of the Church system in our towns, in relief of that strict parochialism which was no longer applicable to their case. It must not be forgotten that, as between town and country, these were totally distinct questions. In towns the feeling of liberty in the use of the seats grew with the growth of the parish and with the development of congregationalism; but in the country there was a traditional clinging to the certain corner of the church where each person was accustomed to worship; while the necessary respect which existed between the different classes of society induced the congregation to like to see the landed proprietor in one part of the church, the doctor in another part, and so on. A clause so ambiguous as this 5th one, with its hazy distinction between appropriating and ordering, ought not to stand part of any Bill. At the same time, he must say that the hon. and learned Member for Salford ran off on a siding when he declaimed against that arrangement which placed men on one side of a

church and women on the other. He (Mr. Beresford Hope) wished to point out that that division of the sexes was not a modern innovation. It was the custom in many of the old parish churches in England, and had been the custom from time immemorial, and it had only been re-adopted in new churches because it was found consonant with the feelings of worship. It was, however, foolish of any clergyman to try to force on the custom where it was not liked. There were two churches in different counties with which he was connected—in one the division of the sexes was observed, and in the other it was not, in each case with the goodwill of the parish; and he followed the rule as it was laid down at both churches. As to Clause 8—

"That nothing contained in this Act shall prevent the chancel of any church from being used by the officiating ministers and others assisting in the conduct of Divine service"—

he agreed with that; but he pointed out that all through this provision there was no recognition of what he believed to be undoubtedly the common law of the land—namely, that while the nave of the church belonged to the parishioners, the chancel belonged to the rector. In saying that the chancel belonged to the rector, what the law meant to say was that the chancel should be the part of the church in which the rector and those who assisted him in Divine worship should carry on that worship; and as regarded that point, he thought the Bill, by its silence, was likely to be disturbing. Before, however, he sat down, he must revert to the vagueness of the description of "parish church" in Clause 2—namely, "the consecrated places of worship of the parish." That would include, he believed, any consecrated chapel without cure of souls, which ought not to be put under the compulsory provisions of such an Act. As a proof of the way in which such consecrated chapels—of which there were many—might be worked, he would state that the late Bishop of London, Bishop Blomfield, recommended the consecration of a church—which had since become a parish church—without the cure of souls, because it was a church in which a musical and ornate service was proposed to be carried out, and, in consequence, he advised that it should not be a parish church, so that it would not be brought in contact with parishioners having legal

rights. On these grounds he (Mr. Beresford Hope) could not accept the Bill, which, if his hon. and learned Friend would excuse him for saying so, was not a workmanlike production, and which, if passed in its present form, would, he believed, produce confusion. Whilst he said that, however, he was as little disposed to accept the Motion of the hon. and learned Member for Salford. If the House adopted the Motion, they would be stereotyping one of the greatest abuses in the practical working of the Church—an abuse which had done more to alienate people from the Church, and which had gone further in checking the spiritual growth of the Church, than anything else—namely, the detestable system of pew-rents. It was impossible to suppose that that Bill could become the law of the land. Some might vote for it, though they disliked the details of the Bill; others, who did not like pew-rents, might be compelled to go into the lobby with the hon. and learned Member for Salford. In his (Mr. Beresford Hope's) opinion, however, the cause of open churches, which he had advocated, would be better served by the hon. and learned Gentleman the Member for Ipswich (Mr. West) withdrawing the Bill, after the friendly and ample discussion which he hoped it would receive.

Mr. HEADLAM said, he thought that the effect of the Bill, even if carried, would be infinitely small, and would not be productive of the results expected from it. The most important clause was the 4th, which took away the power that existed of granting faculties with respect to pews. He did not think there were any faculties of that description in existence, at least none were presented at the present day. Sometimes a person had a legal right to a seat in a church, and when the church was repewed he stipulated that he should have some seat in the place of the one he had before. He did not know any other case in which faculties were granted, and, therefore, the effect of the clause was so small that it was not worth while introducing a Bill to deal with it. With respect to pew-rents, if the hon. and learned Member who introduced the Bill (Mr. West) wished to legislate on them, it should be done by more precise language than had been employed in the Bill. On the whole, he could not see any real good from the measure, and he hoped it would not be pressed on the House, especially

Mr. Beresford Hope

as there was no chance of its becoming law that Session.

Mr. BIRLEY said, it was impossible to exaggerate the evils of the present system of the appropriation of pews. He approved, therefore, the motives of the hon. and learned Member for Ipswich (Mr. West) in introducing that measure. But the Bill as drawn contained defects which could not be cured in Committee, and it would, therefore, be his duty to support the Amendment of the hon. and learned Member for Salford (Mr. Cawley.) The object of those who supported the measure was described as being the restoration to the parishioners of their ancient rights in the parish church. Now, the ancient law was, that it was the duty of the churchwardens to seat the parishioners according to their quality and degree. There was no wish to restore such a state of things, but to throw open the parish church to parishioners without respect of persons. It should be remembered, however, that the class feeling in this matter was not altogether on the side of the rich, for those in humble stations felt just as great reluctance to associate with those above them, and he had no doubt that in "free and open" churches many of the humbler parishioners were deterred from attending, because they would find themselves by the side of those who came in gay clothing. The enforced separation of families was also a point for consideration. Regard must be had to the domestic feeling—the wish of families to worship together; and it was to be feared that sometimes the separation of families would rather conduce to flirtation than to edification among the young people. What was wanted was a place for everybody and everybody in his place. In churches which were free and open a custom had arisen under which families took their accustomed seats, and, legislate as they would, a custom of that kind would always grow up. He would always, however, desire to maintain the rights of the poorer parishioners, giving them an easy opportunity of obtaining at least as good seats as any occupied by the wealthier parishioners.

Mr. DILLWYN said, he heartily approved of the principle of the Bill, but he entertained great objections to the mode in which the system of pew-rents was to be dealt with. He opposed the system in which large spaces in a church

were allotted to great families, and large square pews kept for no object whatever. He desired to see churches retained for the free use of the public, and he also desired to see that they were maintained, which they would not be if that Bill were passed. Some small sum should be taken for a portion of the sittings, in order that the structure of the church might be maintained, now that church rates had been abolished. He should be sorry to see the Bill passed, because it would practically preclude churchwardens from adopting that system.

MR. ILLINGWORTH said, he did not mean to say that he did not sympathize with the principle of the Bill, but he knew that several experiments of a similar plan to that proposed by the Bill had been abandoned after trial, and he thought it would be unfair towards the founders of churches in new ecclesiastical districts to compel them to throw themselves on the voluntary principle.

DR. BALL said, he was not prepared to agree with the proposition that the existing law was open to the objection that had been brought against it. On the contrary, he was of opinion that if the present law was properly administered it would be found adequate to meet the case for which this Bill had been introduced. There were two separate matters for consideration. First, the power of granting the permanent ownership or right in pews; and, secondly, the allocation or distribution of the seating of the parishioners for a permanent or temporary purpose. Any faculty which enabled a non-resident to hold a pew in a parish church was void. For that reason a faculty to a man and his heirs was void, and the only legal faculty was that which granted a pew to a man and his family so long as they were resident in the parish, or that which made a particular pew appurtenant to a particular messuage. It was now proposed to take away the power of granting faculties, though not to abolish the right of prescription. He believed that title by prescription was of the most limited character, as it was not easy to assert a right founded upon that title. It must be done by something besides occupation, such as repairing a pew. Putting cushions in a pew was no proof of an original prescriptive right, because it was equally consistent with permissive and temporary enjoyment. With these

prescriptive titles the Bill did not interfere; but it proposed to deal with the future authority of the Bishops, and to deprive them entirely of their right to grant faculties. It was a right that was exercised most sparingly by them, and there was no pressing demand for taking the power from them. There was a wide difference between universal prohibition and regulating the occasional and proper exercise of a right, and all he contended for was, that they should give the ordinary power to deal with exceptional cases; and he was the more strongly disposed that it should be so, in consequence of the alterations that were about to be made in the mode of procedure in the Ecclesiastical Courts, which would place the jurisdiction more in the hands of the chancellors who, being lawyers, would be guided by legal views and principles. Then, as to seating the parishioners, every parishioner had a right to a seat, and the distribution of seats was now subject to the control of the ordinary, and he desired to see that retained. The existing law properly administered would meet the evils complained of, and ensure a seat to every parishioner. The Bill proposed a total change in the law, and his reason for addressing the House was to show that by administering and working out the present law, they might accomplish much which the Bill proposed to deal with. He was not disposed to throw their own churches entirely open like the Continental churches. He thought there was something to be said in favour of a family all worshipping together in the same pew. He would therefore have, in each church, both pews and free seats: and that every Bishop could, if he chose, under the existing law enforce; his discretion being the rule, except where prescriptive titles—which, as already explained, were not numerous—obstructed.

MR. COLLINS said, that while thanking the hon. and learned Member for Ipswich, he regretted that his Bill did not deal with past as well as future faculties. He did not want to have faculties abolished; but that the Bishop, upon cause being shown, should have the power to annul any particular one. At present faculties were very rarely granted by Bishops; but there were no means, except by Act of Parliament, of getting rid of the difficulty that at present existed. The granting of faculties was an encroachment on the rights of

the parishioners generally, and it was a practical and not a theoretical grievance. He knew of a church where every person except one who had a faculty had surrendered them in order that the church might be re-seated. The floor of the church had been lowered two feet from its original level, and the result was that this one stood like a four-poster in the church high above the rest of the seats. He should like to see all the seats of the churches of the country clear and unappropriated, and thought there should be some power of getting rid of faculty pews, for it was monstrous to suppose that an Act of Parliament must be got before they could reseat a parish church. It would have been better if the Bill had been confined to the old parish church, because the question of pew-rents would not then have arisen. He hoped that next year, when it was brought in, it would be so confined, and that those other defects that had been pointed out would be amended. It would be better to withdraw the Bill than take a division on it, which would not be a fair expression of the opinion of Parliament.

MR. AKROYD said, that being churchwarden in his own parish, he knew the great difficulty there was of preserving seats for the poor in those churches which had free sittings, if there happened to be a popular preacher attached to them. He looked upon the Bill as an ingenious scheme for depriving the poorer parishioners of seats in their parish churches, and as such he was determined to oppose it.

MR. HENLEY said, he thought it was unfortunate that that Bill should have been brought in just at that particular time. In half the parish churches in the rural districts there was plenty of room for everybody without necessitating any of these changes, and therefore to commence such a disturbance of established customs would cause much ill-feeling and mischief. The people were exceedingly sensitive and tender about their seats in the parish church, and to cause any disturbance in the enjoyment of them would be to put an end to all voluntary church rates. The hon. and learned Member for Boston (Mr. Collins) had evidently got a very troublesome case to deal with, but changes in the law must not rest on individual cases. Galleries in churches had been built under faculties, and the seats se-

Mr. Collins

cured in them; but the hon. and learned Gentleman, who no doubt thought them a nuisance, would have them swept away. It showed how difficult it was to deal with these private arrangements. The ordinary, on the requisition of the inhabitants and the churchwardens, had a perfect right to deal as he thought right with respect to the general accommodation of the parishioners. This Bill would unsettle everything and settle nothing, and he doubted if anything could be devised better than the existing law. They should bear this in mind—that the churches had to be maintained not by public law or authority, but by voluntary aid. He did not believe that the humbler classes themselves desired to see the parish churches managed in such a way as to allow the costermonger a seat beside that of a duchess. It reminded him of the couplet which says that—

“Something the devil delights to see
Is the pride that apes humility.”

He would, for those reasons, appeal to the hon. and learned Member for Ipswich (Mr. West) to withdraw the Bill.

MR. PELL said, that the clause which dealt with the authority of churchwardens was a somewhat mischievous one. They were all, no doubt, anxious to see the parish churches in the condition of what was called free; but it was the business of churchwardens to make such changes in the area of their churches as from time to time might better suit the convenience of all classes of the congregation. The 5th clause, however, would interfere with those duties of the churchwardens, and against that clause he would offer every opposition.

MR. WEST, in reply, said, he would take the whole responsibility of the Bill upon himself. Considering, however, the difficulties of passing it in the present Session, he should adopt the advice of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) and withdraw the measure, in the hope that he, or some one more competent to deal with it, might be enabled to introduce and carry a measure on the subject next Session. The discussion which had occurred would not be without use, if the speech made by the right hon. and learned Member for the University of Dublin (Dr. Ball) were made generally known and acted upon.

Amendment and Motion, by leave,
withdrawn. Bill withdrawn.

BURIALS BILL—[BILL 7.]

(Mr. Osborne Morgan, Mr. Hadfield,
Mr. M^r Arthur.)

COMMITTEE. [Progress 7th June.]

Bill considered in Committee.

(In the Committee.)

Clause 2 (Burial to take place in accordance with notice).

MR. HEYGATE, in rising to move that the Chairman do leave the Chair, said, it was impossible that the author of this Bill could entertain any hope of passing his Bill that Session. The public mind had recently been awakened to the importance of this subject. An article in the leading journal the other day had called attention to it, and suggested the proper solution of the question—namely, that the burial service of the Church of England alone should be allowed within the churchyard, and that any service desired by the relatives of Nonconformists should be held either at the chapel or the private house of the deceased. That was the principle of the Bill brought forward in “another place,” and he hoped it would be accepted as a settlement of the question.

Motion made, and Question proposed, “That the Chairman do now leave the Chair.”—(Mr. Heygate.)

MR. OSBORNE MORGAN said, he thought he had some reason to complain of the course taken by the opponents of that Bill. After a very long discussion the second reading was carried by a large majority. About three weeks ago, the Amendment to postpone the Committee on the Bill, after a discussion which lasted three hours, was defeated by a majority of 71. Then, upon the consideration of the 1st clause, which contained the whole machinery of the Bill, there were made 44 speeches; and there took place four divisions. If there had not been discussion enough on the Bill, he was at a loss to know how much more was necessary.

MR. MOWBRAY said, the arguments used by the hon. and learned Member for Denbigh (Mr. Osborne Morgan) against the Motion of the hon. Member for South Leicestershire (Mr. Heygate) were in reality arguments in favour of it. Surely the prolonged opposition which was offered to the Bill proved that there was a very strong feeling against it.

He would also remind the hon. and learned Member that the last Amendment moved against the 1st clause by the hon. Member for West Kent (Mr. J. G. Talbot) was only defeated by a majority of 2. The Bill consisted of 14 clauses and 2 schedules. If one clause occupied 44 speeches and four divisions, he would ask what time was it likely to take in order to get through 13 clauses and 2 schedules. He believed that the feeling of the country was now very much changed in respect to this Bill.

MR. BERESFORD HOPE said, he would press upon the hon. and learned Gentleman who had charge of the Bill the propriety of acceding to the Motion of the hon. Member for South Leicestershire, with the view to the ultimate pacific settlement of this question.

Question put.

The Committee divided:—Ayes 131;
Noes 157: Majority 26.

MR. G. B. GREGORY moved an Amendment in page 1, line 26, after “notice,” to insert—

“Shall be delivered to or left at the usual place of abode of such rector, vicar, or other incumbent or officiating minister, or such other person to be appointed as aforesaid, two clear days at least before such burial shall take place.”

Amendment agreed to.

MR. SALT moved an Amendment, in line 26, to provide that the “address and occupation” as well as the name of the person to officiate should be stated. His object was to secure that the service should be performed by a respectable person who was in some degree known, and such a person could have no difficulty in stating what his occupation was.

MR. OSBORNE MORGAN said, he did not think that any security would be gained by inserting the word “occupation,” as that might be in many instances open to vague description.

MR. BERESFORD HOPE submitted that a man who could not state definitely what his occupation was ought not to be permitted to officiate in a churchyard; such a man could surely say whether he was an itinerant lecturer or a phrenologist. The possibility that persons pretending to be ministers, whose education was so deficient that they could not say what they were, might perform service in churchyards, was sufficient to justify clergymen in resisting this Bill. Their only safeguard

was in a definite statement of occupation, and the Amendment ought to be cheerfully conceded.

MR. COLLINS said, that if the Amendment were accepted, there would have to be a clause imposing a penalty on a person who made a false statement of his occupation, and the Amendment would be better out of the Bill than in it.

LORD JOHN MANNERS said, he was surprised to hear the suggestion that a person who was to perform a funeral service in a churchyard might make a false statement of his occupation. There was nothing in requiring such a statement, for there was not a Member of the House who had not to make it on signing a legal document.

MR. CANDLISH said, he could see no objection to the Amendment if it would secure any good result; but it would not, because there was no power to reject the person named if his occupation were objectionable.

MR. SCLATER-BOOTH pointed out that the discussion would be rendered useless if the Committee accepted a subsequent Amendment of the hon. and learned Member for East Sussex (Mr. G. B. Gregory), to leave out the words "or other person or persons."

MR. OSBORNE MORGAN said, in what they were discussing, they were merely fighting about a shadow.

SIR JOHN TRELAWNY said, he was of opinion that the clergy of the Church of England should be considered as much as possible in those matters which had reference to the churchyards.

Amendment agreed to.

MR. G. B. GREGORY then moved the omission of the words "or other person or persons," which, he said, were infinitely too wide. It was intended by the Bill that the service should be a religious one, and, if so, it ought to be performed by a minister of religion only.

Amendment proposed, in page 1, line 26, to leave out the words "or other person or persons."—(Mr. George Gregory.)

SIR HENRY SELWIN-IBBETSON said, that provision ought to be made for occasions on which, perhaps, more than one minister would officiate, and for that reason the Amendment proposed would hardly go far enough.

Mr. Beresford Hope

MR. OSBORNE MORGAN said, that he thought there was a good deal of force in the suggestion, and he intended to comply with it by inserting in the 4th clause words limiting the right of performing the service to ministers or recognized preachers.

SIR MICHAEL HICKS-BEACH said, that if a "recognized preacher" was a minister, he would come under that designation; but the words "recognized preacher" opened a very wide door which would admit all who had ever been allowed to preach.

MR. BRUCE said, he thought the object of the promoters of the Bill and of the majority of the House might be met by having a clause to define the meaning of the word minister. In Wales there were many sects, some congregations of which had no ordained ministers, but accepted the occasional ministrations of members, who were generally and deservedly respected, and whom it would be a hardship to prevent performing a service over one of their number. It might shorten discussion to relegate the difficulty to a clause defining those who were to perform the service in the absence of an ordained minister.

MR. OSBORNE MORGAN said, he would accept the Amendment, and endeavour to bring up a clause containing suitable definitions.

MR. COLLINS said, there was no such thing known to the law as a "recognized minister," and, therefore, there would be difficulty in adopting the words proposed.

MR. PELL said, a definite clause would involve lengthened and acrimonious discussion, for there would be great difficulty in defining what constituted a "recognized minister."

MR. SALT said, he would suggest that the Home Secretary should attempt to define, not only "minister," but the form of service to be used, for uncertainty as to what would be said and done in the services constituted the great grievance of clergymen, whose objections would be removed if the service were prescribed.

MR. CANDLISH said, that Churchmen should allow to others the freedom they claimed for themselves.

LORD JOHN MANNERS said, that what that amounted to was the disestablishment of the Church of England.

SIR HENRY SELWIN-IBBETSON suggested the postponement of the clause.

THE CHAIRMAN said, that the clause had been amended, and it could not, therefore, be postponed.

LORD HENRY SCOTT, to show the difficulty of defining a minister, cited from a Return on the Irish Census the names of a few sects, including Brethren, Brethren in Christ, Derbyites, Free-thinkers, Socialists, New Life, Old Life, Seceders, Sinners Saved by Grace, Walkerites, and he added that he did not see how the difficulty could be met without having a registry of ministers.

MR. BRUCE said, the noble Lord the Member for South Hampshire had shown that the subject was surrounded with difficulty, but the reference he had made to Ireland was the most decisive he could have made against his own view of the case, for in Ireland, where there existed the sects that had been named, the law that the priest or minister of any sect could officiate at the grave of the deceased had been in force a number of years, and no one had been able to show that the slightest scandal had arisen in consequence. The fact was that hon. Members on his side of the House were extremely anxious to meet anything like solid objection to this Bill, and, believing it would be a concession valued by the other side if the services were performed by some person who was a "recognized minister," they had suggested an Amendment in that sense.

MR. MOWBRAY said, he should be glad if the right hon. Gentleman would favour the Committee with some account of the practical working of the law in Ireland. Perhaps he would also state how he proposed to define the word "minister."

MR. BRUCE said, that if hon. Gentlemen were dissatisfied with the interpretation clause when it was introduced, it would then be the time for them to urge objections to it.

SIR GEORGE GREY also hoped hon. Members would confine their remarks to the subject immediately under consideration. He thought the Amendment would greatly improve the Bill.

MR. BERESFORD HOPE pointed out that any person who thought he was a minister, and was so regarded by his congregation, but who was not one under this clause, would be placed in an invidious and inferior position, and

would have a right to remonstrate. Dissenters would have a right to consider the proposed definition as an interference with their religious liberty.

MR. OSBORNE MORGAN reminded the Committee that Dissenting ministers were mentioned in the Jury Acts, and exempted from serving on juries.

MR. COLLINS said, some Quakers and Wesleyans might prefer to have the service said over their graves by a member of the family who was not a recognized preacher. It would be a hardship on the laity of the Church of England and other communions if they had not the same rights as were conferred on persons called "recognized ministers." He was, therefore, wholly opposed to the Amendment.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 141; Noes 137: Majority 4.

SIR HENRY SELWIN-IBBETSON moved to report Progress, as a misunderstanding had arisen on the last division. Although the hon. and learned Member for Denbighshire had accepted the Amendment, he had voted against it, and the Committee had not been fairly dealt with.

MR. OSBORNE MORGAN explained that he had only agreed to the Amendment on the understanding that he should be allowed to bring up an interpretation clause, his object being to include in the term "minister" a recognized local preacher. As, however, hon. Gentlemen opposite objected to the interpretation clause, he felt bound to vote against the Amendment.

MR. COLLINS said, that if anyone besides clergymen of the Church of England were to come into the churchyards, he would not consent to any distinction being drawn between a Dissenting minister and a Dissenting preacher.

LORD JOHN MANNERS remarked that, although hon. Gentlemen on that side might have objected to the interpretation clause, that was not the act of the House. The hon. and learned Gentleman (Mr. Osborne Morgan) had undoubtedly accepted in the fullest manner the Amendment proposed by his hon. and learned Friend the Member for East Sussex (Mr. G. B. Gregory). It

was, in his opinion, high time to report Progress, as the Home Secretary had also voted against the Amendment.

MR. BRUCE: I beg to say I did not vote.

LORD JOHN MANNERS said, that if the right hon. Gentleman did not vote against the Amendment, he did not vote at all. That certainly was not the way in which the House of Commons ought to be led.

MR. G. B. GREGORY said, he had not opposed the hon. and learned Gentleman's suggestion about bringing up an interpretation clause.

MR. BERESFORD HOPE said, that his criticisms did not afford a sufficient ground for the hon. and learned Gentleman breaking the engagement he had entered into.

MR. OSBORNE MORGAN said, he had only consented to the Amendment on the understanding that a clause was to be introduced for the purpose of including recognized local preachers.

It being now a quarter to Six of the clock.

House resumed.

Committee report Progress; to sit again To-morrow.

ROYAL PARKS BILL.

On Motion of Mr. AYRTON, Bill for the regulation of the Royal Parks, ordered to be brought in by Mr. AYRTON and Mr. BAXTER.

Bill presented, and read the first time. [Bill 217.]

House adjourned at Ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 29th June, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Union of Benefices Acts Amendment* [219].

Second Reading—Judicial Committee of Privy Council (212); Life Assurance Companies Act (1870) Amendment* (195).

Committee—Juries (Ireland)* (122-221).

Committee—Report—Pier and Harbour Orders Confirmation (No. 2)* (176); Metropolitan Building Act (1855) Amendment* (208).

Report—Courts of Justice (Additional Site)* (182-218); Lunatics (Scotland)* (152-222); Tanquer's Charities* (216).

Lord John Manners

Royal Assent—Trust Funds Investments [34 & 35 Vict. c. 27]; India (Local Legislatures) [34 & 35 Vict. c. 34]; Trades Unions [34 & 35 Vict. c. 31]; Criminal Law Amendment (Violence, Threats, &c.) [34 & 35 Vict. c. 32]; Canada [34 & 35 Vict. c. 28]; East India Stocks (Dividends) [34 & 35 Vict. c. 29]; Burial Law Amendment [34 & 35 Vict. c. 33]; Postage [34 & 35 Vict. c. 30]; Police Courts (Metropolis) [34 & 35 Vict. c. 35]; Pensions Commutation [34 & 35 Vict. c. 36]; Metropolitan Commons Supplemental [34 & 35 Vict. c. 57]; Local Government Supplemental (No. 2) [34 & 35 Vict. c. 59]; Metropolitan Commons Supplemental (No. 2) [34 & 35 Vict. c. 63]; Land Drainage Supplemental [34 & 35 Vict. c. 60]; Poor Law (Provisional Orders Confirmation) [34 & 35 Vict. c. 61]; Drainage and Improvement of Lands (Ireland) Supplemental [34 & 35 Vict. c. 62]; Pier and Harbour Orders Confirmation (No. 1) [34 & 35 Vict. c. 58].

JUDICIAL COMMITTEE OF PRIVY COUNCIL BILL—(No. 212.)

(The Lord Chancellor.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that the object of the measure was to make further provision for the despatch of business by the Judicial Committee. The immediate object of the Bill was to enable the Judicial Committee to deal with the great arrear of causes which were now before that tribunal for hearing — and more particularly with those which came from India. It had been so framed that at the meeting of the Courts of Law in November, immediately after the Long Vacation, an efficient Court would be constituted so as to deal with these causes. He was happy to say that for the last two or three weeks the Judicial Committee had been busily engaged with the Indian Appeals, and that considerable progress had been made with those in the printed list — though the arrears could not be cleared off before the Courts rose for the Long Vacation. The Lords Justices of Appeal in Chancery had been able to sit on the Committee, together with Sir James Colville, who was most active in Indian causes; he himself (the Lord Chancellor) having, by the arrangement of the judicial business in this House, been able to attend in the Court of Chancery. There would be no arrears in that Court, and the business before their Lordships

had not been for years so little in arrear. The Judicial Committee having been deprived from time to time of the services of five of its Members who formerly were regular attendants—great difficulty had been experienced in securing the regular and continuous sittings of the Committee, and it was evidently necessary to make a provision different from that which had hitherto prevailed. The proposal of the Bill was that Her Majesty should have power to nominate not more than four Judges as additional Members of the Judicial Committee. It provided that two of them should be either Judges of the Superior Courts of Westminster (including the Divorce Court and the Court of Probate), or that they should be persons who, having served the office of Judge in one of those Courts, had retired from their judicial duties. In the first case, the salary to be paid to the two Judges would be the same as that which they now receive; in the second, the Bill proposed that they should receive a salary of £1,500 a-year in addition to their retiring pension. This would make their emoluments £5,000 a-year, which was the salary of the acting Judges of the Superior Courts. It was proposed that the other two Judges should be selected from among those who had served the office of Judge in the Supreme Court of Calcutta—it was the intention that wherever practicable the person appointed should have been a Chief Justice—and that they also should receive a salary of £1,500 per annum in addition to their retiring pension; the salary, in each instance, to be paid so long as they should continue to attend, whenever summoned, the meetings of the Judicial Committee. The Bill was intended to meet the emergency that had come somewhat suddenly upon them, in consequence of the number of appeals from India, and he did not think it would be desirable to assume that the proposal would be of a permanent character, regard being had to the importance of a comprehensive re-arrangement, as soon as possible, of our whole appellate system. But that was a point which could be best discussed in Committee. This was thought to be too large and invidious a power; but the matter could easily be arranged in Committee, and it was hoped that, as the attendance of at least three out of the four Members

could be relied on, a quorum would be secured for the continuous hearing of appeals until the existing scandal of arrears had been remedied. The Bill as it now stood proposed that the Lord President should have the power of fixing continuous sittings for the Judicial Committee between November and August, and of making rules for the attendance of the Members at such sittings. Of course, the Bill would not in any way interfere with the attendance, as often as they found it possible or convenient, of the other Members of the Judicial Committee.

Moved, "That the Bill be now read 2^d."
—(*The Lord Chancellor.*)

LORD CHELMSFORD admitted that the Judicial Committee required reform and reinforcement; but he feared that if the present scheme—to many portions of which he entertained strong objections—were accepted temporarily, it would form the model on which the future permanent settlement of the question would be shaped. One of his objections was as to the inequality that would exist between the two classes of new Judges. While the Judges taken from Westminster Hall, with £3,500 pension and £1,500 salary, would receive £5,000 a-year, the Judges from Bengal, with £2,000 pension and £1,500 salary, would only receive £3,500. As to the former he did not think any acting Judge would be induced to transfer himself to the Judicial Committee, for his two clerks, one at £600 a-year and the other at £400, would thus be turned adrift. As to retired Judges they would probably be so advanced in years and infirm as not to be likely to be particularly useful. So niggardly a mode of dealing with this question ought not to be encouraged, and he believed the House of Commons would readily consent to putting all those Judges in a position of becoming permanence and dignity. They ought not to receive less than £6,000 a-year. As to the continued attendance of unpaid Members, it was not likely that those would continue to attend when there were Judges bound to attend and paid for doing so.

LORD WESTBURY said, he regarded the Bill with great satisfaction, for it was the first attempt to deal with an evil that had long been felt. He should

have preferred a more sumptuous manner of payment and a larger number of Judges, but was content to accept the Bill as supplying an immediate want, rather than to wait for the fulfilment of more magnificent expectations. The great pressure of Indian appeals, which was a reproach to the Government, would be thus remedied. He apprehended no difficulty in finding two Westminster Hall Judges willing to accept the proposed office, for he believed they would be actuated by higher considerations than the patronage attached to the appointment of clerks, and in any case they would be relieved from the expense and labour of going on circuit, which was a burden greater than the value of any such patronage. He feared that the press of Indian appeals would turn out to be permanent. The value of the property involved in the appeals decided in Bengal between 1863 and 1868 reached the enormous total of £13,390,000—an evidence of the great love of the Natives for litigation, of the enormous wealth of the country, and of the improbability of a diminution in the number of appeals. Indeed, the receipts of the Government of India from stamp duties in a single year reached £60,000. There would be an opportunity 12 months hence of showing what had been done, and provision would no doubt be then made adequate to the exigency. He would advise the President of the Council to decline the proposed power of determining the Members of whom the Judicial Committee should consist; for, in case of ecclesiastical suits, he would be subjected to the grossest imputations. He hoped there would be no delay in sending the Bill down to the other House, and that, there being no necessity for the attendance of his noble and learned Friend on the Woolsack to hear appeals in this House, the Lords Justices would continue to give their useful services on the Judicial Committee.

LORD ROMILLY said, he believed the Bill would be beneficial in its results. It was essential, however, to the proper administration of the judicial system in India that the judicial power should be considerably increased there. He agreed with his noble and learned Friend (Lord Westbury) that the President of the Council would expose himself to calumnious imputations if he undertook the selection of Members of the Court; and

he would suggest that a rota should be adopted for ecclesiastical causes, so as to put the operation of personal motives out of the question.

THE LORD CHANCELLOR said, he never intended the Bill as a permanent scheme for conducting the appellate business of the Privy Council. No doubt some better machinery for appellate jurisdiction might be devised, but it had been thought that the establishment of an expensive staff of judicial functionaries was inexpedient until there had been some experience—such as the Indian appeals would furnish—of the difficulty to be encountered and of the best mode of dealing with it. He anticipated no difficulty in finding Judges; and, though gratuitous services could not be permanently relied on, he hoped that the unpaid Members of the Judicial Committee would continue to show their public spirit by attending as heretofore.

THE MARQUESS OF SALISBURY said, he wished to know whether the principle of a rota, which had been suggested by the noble and learned Lord opposite (Lord Westbury), and had proved advantageous in other quarters, was likely to be adopted in the case of ecclesiastical business? On a former occasion it was stated by the noble Earl (Earl Granville) that in the summoning of Members on all occasions of importance the President of the Council and the Cabinet were consulted; while the noble and learned Lord on the Woolsack made the much more satisfactory statement that there was no selection, and that any Member could attend. He should now like to hear from the noble Marquess (the Marquess of Ripon) what the practice actually was.

THE LORD CHANCELLOR explained that the two statements were not conflicting. In theory the President summoned the Members, as in other than judicial matters; but he was practically in the habit of informing the Lord Chancellor of those whose attendance he supposed possible. There was no selection, all likely to attend being written to. In the last ecclesiastical cause four or five Members were written to by his own special desire, as he thought they might attend, but all of them declined except one able and excellent Judge, who actually started, but was obliged by illness to return home. He had taken care that in all ecclesiastical suits a summons

should be sent to every Member of the Committee.

Motion *agreed to*; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Monday* next.

UNITED STATES—TREATY OF WASHINGTON.

MOTION FOR AN ADDRESS.

LORD ORANMORE AND BROWNE said, that in rising to move the Address to Her Majesty, of which he had given Notice, he was desirous of explaining to their Lordships why he had done so, notwithstanding that the subject had so recently been discussed in that House. The Resolution which was then brought before their Lordships by the noble Earl (Earl Russell) was so framed that their Lordships could not come to any issue on the question it raised, and therefore he thought it desirable that he should himself, in default of some more competent person, move a Resolution capable of being brought to a more definite conclusion. Moreover, the constitution of the Commission which had framed the Treaty was such that from the Leaders of the Opposition the House was nearly sure to hear but an uncertain sound. He thought all who heard or read the debate would agree that, though like every debate in which the Leaders of the House took part, it was ably conducted, it was apologetic on the part of the Government, and wanting in purpose on the part of the Opposition. The only exceptions to this were the noble Earl (Earl Russell) who brought forward the Motion, and the noble Marquess (the Marquess of Salisbury), who never spoke without putting pith in what he said. The condemnation of the Treaty by the noble Earl was plain and straightforward; it had the old John Bull ring, which once was so grateful to English ears, but which was now thought coarse and unrefined. The country would be grateful to him for not weighing the interests of party in the balance with national honour, and the condemnation of the Treaty by the noble Earl was the strongest evidence of its unworthiness, for ever since Her Majesty's Government had been in office he had given them his unqualified support. The noble Earl (the Earl of Derby), who was formerly Minister for Foreign Affairs under a Conservative Government, though he condemned the Treaty, yet

recommended their Lordships not to take further action, because the other House would approve this or any other treaty that the Government might submit to it. Now, with every deference for the high authority of the noble Earl, he must demur to the wisdom of such a course, for it would reduce this House from its position as a branch of the Legislature to an office for the registry of the decrees of the other House. It was this die-away policy which was spoken of by the right hon. Member for Birmingham when he said—"It's not necessary to meddle with the Lords—they are dying a natural death." If their Lordships acted only on party views, or those of expediency, the country would not support them; but if they acted on their honest convictions of the responsibilities of their high position all friends of order, whatever their politics, would rally round them. Though still at a loss to understand it to be constitutional for the Crown to agree without the consent of Parliament to pay a large sum of money, he (Lord Oranmore and Browne) did not seek to abrogate the Treaty, but to condemn the policy which accepted it as contrary to the honour and dignity of this country. He would remind their Lordships that only a few nights back the noble Earl (Earl Granville) stated, in support of the Convention of Paris, that it had never been censured by a vote of either House of Parliament. Though confident that the reasons for condemning this Treaty were very strong, they might, from being feebly put, appear weak; and he would, therefore, confine himself to a plain statement of the facts of the case. The first Article of the Treaty expressed regret for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports; whereas the Memorandum drawn by the late Lord Clarendon in reply to Mr. Fish, dated the 6th of November, 1869, stated that the fact was that only one vessel, the probable intended belligerent character of which the British Government had had any evidence, escaped. The noble Earl, in his first Instruction, dated the 9th of February, accepted this view as the bases of negotiations, and authorized an expression of regret for the escape of the *Alabama*. Now, even with regard to the *Alabama*, Lord Clarendon had quoted a very remarkable judgment of an American Judge, Judge Storey, which he

held to apply to that vessel, in which that learned Judge said—

“There is nothing in our laws or in the law of nations that forbids our citizens from sending armed vessels as well as munitions of war to foreign ports for sale. It is a commercial venture which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation.”

Lord Clarendon also called attention to the remarkable fact that Mr. Adams urged the captain of a Federal ship to pursue the *Alabama*, and that he refused to do so; at which Mr. Adams expressed the greatest indignation in a despatch to his Government; and, again, that the United States ship *San Jacinto*, when blockading the *Alabama* in the French port of St. Pierre, let her slip away at night from under her bows. Was this country to pay for the neglect of American cruisers? Under these circumstances Her Majesty's Government took the part of a humble friend in expressing regret for the escape of the *Alabama*; but in expressing regret with regard to the other vessels Her Majesty's Government accepted a position at once humiliating and contrary to the dignity and honour of this country. The terms of his Resolution were not lightly chosen. They were the words of the late Lord Clarendon, and so had the sanction of every Member of the present Cabinet. They were contained in the reply to Mr. Reverdy Johnson's request to re-consider the terms of the Convention then agreed on, with the view to include the claims of the Government of the United States; and if he deemed such a charge contrary to the honour and dignity of this country how would he have found terms sufficiently strong to condemn the provisions of this Treaty? Assuredly the nation was daily feeling the loss of statesmen of his calibre? The sixth Article of the Treaty appeared to him to be an example of diplomatic prowess as exceptional as it was unprecedented and dangerous. It contained an absolute surrender of every point for which the present and every preceding Government of this country had contended. The noble Marquess who signed this Treaty (the Marquess of Ripon) and the noble Duke the President of the India Board (the Duke of Argyll) contended that its conditions resulted from the advance of ideas on international duties. Lord Clarendon's Minute in reply to Mr. Fish

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was the last and most complete reply to the claims put forward by the Government of the United States; but he found nothing in it showing the advance of ideas referred to, but only a reiteration of the same principles that had been supported by every preceding Foreign Minister. He accepted the principle of arbitration as agreed to by his predecessor, which was a great concession, for it allowed our international obligations to be judged, not by our own municipal law, not by the municipal law of the United States, but according to the very undefined principles of International Law; but he never contemplated the possibility of the Government of this country being a party to make rules by which the arbitrators were to be guided, which defined acts as contrary to International Law which were never held to be so before, and gave them a retrospective effect, rendering this country liable to heavy penalties. When arbitration with rules having a retrospective effect was proposed on the 8th of March by the American Commissioners, our Commissioners had no hesitation in declining to entertain such a proposition as contrary to their instructions, and it was only after a month's delay that Her Majesty's Government sent instructions to agree to them. He thought it quite natural that the noble Marquess (the Marquess of Ripon) should at the Cobden Club the other night explain that the conditions were not “humiliating,” and that he should pass quickly over the present results, which were definite, and draw the attention of his hearers to the indefinite future.

THE MARQUESS OF RIPON explained that what he had said on the occasion referred to was that the Treaty was a perfectly fair one on both sides, and that it was not in any degree humiliating.

LORD ORANMORE AND BROWNE continued. The taxpayers of this country would have to buy the goodwill of our American cousins at a cost at least of £10,000,000, which might probably amount to nearly £13,000,000, owing to the engagement to pay the expenses of American cruisers; and he believed there was no precedent for any such payment except after a disastrous war, such as had recently occurred to a neighbouring country. The supporters of this Treaty laid great stress on the precedent of arbitration accepted by this Treaty. That

principle would be readily accepted in all cases where one party, as in this, laid down rules that virtually prejudged the case, and the other agreed to abide by them; but lawyers would know that arbitrations were often only the beginning of litigation. He could not divine any reasons which induced the noble Earl (Earl Granville) so suddenly to change the instructions he had first given to our Commissioners and to agree to the terms dictated by the American Commissioners, unless that he had accepted the view suggested by the noble Marquess a few nights since that his duties as Foreign Minister had ceased—and, in fact, these negotiations were virtually conducted as President of the Board of Trade, and that in this capacity he accepted the “peace-at-all-price policy” as that which was necessary to protect commercial interests. He would now endeavour to convince their Lordships that this principle, as carried out in this Treaty, would not contribute to establish good relations with the United States, but must rather complicate them. What did this Treaty do with the question—in the opinion of the noble Secretary for Foreign Affairs the most urgent of all—of the American Fisheries? Our Commissioners pressed again and again on those of the United States the renewal of the Reciprocity Treaty, which was as often declined, and all we obtained was the settlement by arbitration of what sum the United States’ Government were to pay for the value of the Fisheries. But he believed that the Dominion declined altogether to sell their rights; so this, the most urgent question of all, existed in a more irritating form than ever. Then the Government of the Dominion urged on our Government to obtain a settlement of their claims for the Fenian raids; and he believed there was nothing clearer in International Law than that a Government was bound to prevent filibustering expeditions by land, for the preparations for them could not be concealed. Our Commissioners very properly urged the consideration of these claims, but the Commissioners of the United States insisted on entirely ignoring them; and again we submitted to their dictum. But by our “friendly” conduct we were to secure good relations with our American cousins. Let their Lordships consider whether, according to any estimate we

could form of the political institutions or of the character of that great people, this most desirable end was to be gained by that Treaty? No one was more alive than he was to the conviction that no honourable means should be left untried to secure it—nay, more, he was convinced that American statesmen had this same wish; but in the States elections were constantly recurring, and there were two votes to be secured—the vote of those who wished to carry out to its fullest extent the Monroe doctrine, and the vote of his (Lord Oranmore and Browne’s) countrymen. The former coveted Canada; the latter, he was sorry to say, could only be gained by a demonstration of hostile feeling to this country. Thus, a grievance must be created against this country, and the more we yielded to unjust demands the more would be demanded, and even a coward would fight when driven to the wall. As between individuals, so between nations. Friendship could not exist save with mutual respect; a weak yielding to unjust demands would not command this. They all remembered the courage and determination the Northerners showed to maintain their institutions; they spared no sacrifice of life or property to maintain the integrity of their country. So high-spirited itself, could America respect our humility? What Government was more susceptible in taking offence, or more careless in giving it than the American? Their Minister remonstrated against the noble Earl (Earl Russell) receiving privately the representatives of the Confederate States, though at that moment they had an army of 500,000 men, and carried on the contest for more than four years. They objected to an English vessel saving the survivors of the *Shenandoah* from a watery grave. But the other day, when Her Majesty’s Government sent the Fenian convicts in state cabins to America, the Congress passed an address of sympathy and congratulation to them, and the President gave them a public reception. The National Press in Ireland stated, and the Press of America re-echoed, and most impartial men accepted the fact, that the Fenian “scare” was the real cause of the exceptional legislation of the last two Sessions. So the Prime Minister had acknowledged it to be; and perhaps it was one of the elements that

caused the noble Earl (Earl Granville) to make advances to the United States. He feared the people of the United States might consider that the public reception of the Fenian convicts had no slight influence in producing the large concessions contained in that Treaty. But great benefits were to accrue to our commerce in future. Unable to protect our own commerce, we had bribed the Americans not to molest us. Without the bribe the Government of the United States absolutely declined to accept these rules. So America's position was certain present gain, whatever might be future results; ours was certain present loss, with a most problematical gain in the future. Now, acknowledging that the Government of the States was quite as likely to be bound by Treaties as other countries, was it not our experience that Treaty obligations were held but light when they could be conveniently thrown off? The Treaty of Vienna lasted as long as the exhaustion caused by a long war was felt—no longer. The Treaty of Paris was ignored because it was disagreeable to the people of Russia. Would the Treaty of Washington endure if its provisions became inconvenient or disagreeable to the people of the United States? The results of this Treaty were, then, these—We had accepted a position so humiliating as to encourage aggression; we had given just offence to our colonies by not protecting their interests; while the most irritating question—the Fisheries—was in a more irritating position than ever. The people of this country, occupied with questions of domestic politics, took the Treaty on trust; but when they felt the pressure of the additional taxation caused by it they would be justly indignant. They had always been ready when called on to give their lives and their money to protect their national honour, and when they perceived that honour had been sacrificed they would not only blame Ministers who made the Treaty, but would accept it as an evidence of the incapacity of our statesmen and of a break-down in our institutions—a result most unfortunate and dangerous. He could not, in conclusion, better describe the effect of such a policy on the public mind of Europe than by reading an extract quoted in *The Times* from a leading German paper—

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"The result is that England has become absolutely powerless in all international matters. Formerly she was listened to by kings and generals, now her words are received courteously, but half contemptuously. What she guarantees is rather endangered than made secure by her signature. This state of things has given pain to a small but important part of the nation, who look to the present with shame, and to the future with despair."

Moved, "That an humble Address be presented to Her Majesty conveying the deep regret felt by this House at Her Majesty's having been advised to sign a Treaty with the United States which is unbecoming the honour and dignity of this country."—(*The Lord Oranmore and Browne.*)

THE EARL OF AIRLIE said, he must apologize to their Lordships for rising to offer a few remarks on this subject, after the exhaustive discussion it had undergone in the House very recently; but he thought it might, perhaps, not be altogether undesirable that some Member on that—the Ministerial—side of the House, who was not bound by official ties to defend the acts of the Government, should be allowed to express fairly and unreservedly his opinion on that most important question. He hoped the noble Lord who had just sat down (Lord Oranmore and Browne) would not deem him wanting in respect if he said he did not think that he had raised any absolutely new points that evening. The noble Lord objected to the expression of regret and to what he called the apology for the escape of the *Alabama* and other vessels from our shores; but the truth was there had been no apology at all made. We had expressed regret at the disastrous war from which France had so greatly suffered; but nobody would suppose, because we expressed regret at its occurrence, that we were responsible for that war. It appeared to him to be a most natural thing that, these vessels having escaped from our waters and committed depredations against the commerce of a friendly Power, we should feel regret at that fact, and feeling such regret, why should we be ashamed or afraid to express it? Three causes—the repeal of the Navigation Laws, the Declaration of Paris in 1856 that the flag covered the cargo, and the greatly increased rapidity with which commercial operations were now carried on—had, in combination, no doubt, with other causes, brought about a complete change in the conditions

under which our trade was conducted; that unless we could seal up our enemy's ports and sweep his cruisers from the sea, it would be impossible for us now to prevent our trade from passing into neutral bottoms in time of war, however powerful might be our sea-going fleet; that he founded himself not only on what has happened during the American Civil War, but also on the fact that on some recent occasions when rumours of European complications, in which this country might be involved, had reached the East Indies in a somewhat exaggerated state, British vessels had found it impossible to obtain freight on any terms; that this state of things was not only most injurious to our Mercantile Marine, but that it had also a most mischievous effect in respect of our influence with foreign nations, who must see clearly that we should be very slow to expose our merchant shipping to the risk of being destroyed by vessels fitted out in neutral ports; and that, therefore, the adoption of the principles laid down in the Treaty of Washington would greatly strengthen our hands as regards our foreign relations. He trusted this would not be the last time the two great Anglo-Saxon nations would be found acting in concert for the good of humanity. He was especially gratified that the credit of the work on our side could not be claimed by one political party exclusively. He thought his noble Friend (the Marquess of Ripon) and the right hon. Gentleman (Sir Stafford Northcote) would ever look back with pride to the part they had taken in establishing principles so beneficial to the interests of England and so calculated to promote the cause of peace throughout the world.

THE EARL OF LAUDERDALE said, he had lived long enough to see many treaties entered into between this country and the United States, in all of which this country had been more or less on the losing side. Although we had not surrendered any territory, we were in a worse position under this Treaty than we ever had been before, because it was a Treaty evidently framed to meet the views of the people of the United States. He would not, however, complain of them; on the contrary, he gave them great credit for the clever way in which they had outwitted us. They had weathered us on every tack; they had—to

use an Eastern expression—made us eat dirt, and pay the bill into the bargain. He regretted that the question of the line which should be drawn down the centre of the Strait of Rosario had not been referred to the Emperor of Germany, and a fertile cause of disputes thus settled. Our negotiators had not had a chart before them when they drew the existing line—they went to sea without a chart, and the consequence was that our interests suffered. He regarded the Treaty as a one-sided arrangement, and as unbecoming the honour and dignity of the country. As for ships which left our shores unarmed, it was absurd that we should hold ourselves responsible for acts committed by those who might be on board them.

LORD HOUGHTON, as a member of the Neutrality Commission, begged to express his satisfaction at finding that the legislation which it had recommended had been carried into practice. In the issue of that Commission his noble Friend (the Earl of Derby) was no doubt influenced by the fact that those ships which, consciously or unconsciously, we had allowed to go from our ports had inflicted very serious damage on the American mercantile navy. The formation of the Commission itself implied that his noble Friend (Earl Granville) did not regard the existing law as satisfactory or sufficient for the purpose for which it was required. There was, indeed, he thought, a still larger wisdom at work, for it was impossible not to see that the tendency of all International Law was to increase the responsibility of neutrals and to confine conflicts which might unhappily break out among nations within the limits of those nations themselves. The recommendations of the Commission had, he was glad to believe, laid the foundations for the Treaty which had recently been so happily concluded. That Treaty should not be regarded as the result of the action of two nations each of which was trying to get the better of the other. The allegation on one side was that the vessels that had sailed from our ports and had inflicted great injury on the citizens of the United States had done so by our default; and the question we had to consider was how the angry feelings that had arisen could best be mitigated. There was no question of national honour involved in the making reparation for a wrong which had been

committed. We had, unfortunately, allowed a great calamity to be inflicted on a nation, and it was on our part a national duty, as well as duty to humanity, to appease the angry feeling which had in consequence been created, and so to lay the foundations of International Law as to prevent the occurrence of such calamities in future. That being so, his noble Friend below him had, in his opinion, done nothing more than his duty in approaching the subject in a most amicable spirit, and in determining almost that it should be happily settled. Now the question must be regarded as closed for ever, and he confidently hoped that the Treaty would be found to operate for the future prosperity both of this country and America. He quite differed from those who maintained that the increased responsibility of neutrals was likely to be productive of evil results. He, on the contrary, believed that it would be the cause of great future advantage, because nations would be on their guard against the influence of the dangerous feeling that neutrals were entitled to profit by the calamities of belligerents. He had already, as a member of the Neutrality Commission, in that House expressed his readiness to go further than even the Treaty did in the direction of which he was speaking. He should be glad to see the exportations of munitions of war made illegal; and, indeed, though the strict wording of the Treaty did not seem to include such a prohibition, he had a strong hope that the spirit which animated it would culminate in such a prohibition, and thus contribute still more to the promotion of the general peace of Europe. It was impossible not to feel that if during the late contest on the Continent our laws had precluded us from exporting arms, much controversy would have been avoided, and possibly, owing to the still more desperate condition in which one of the belligerents would have been herself placed, the war brought to an earlier termination. He could not avoid again repeating his satisfaction at the conclusion of a Treaty so much in accordance with the recommendations of the Neutrality Commission.

EARL GRANVILLE: My Lords, I am quite sure from the appearance of the House that your Lordships will not think it disrespectful in me if I do not repeat the arguments in favour of the Treaty,

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and of the course which Her Majesty's Government has taken with regard to it, which were urged a few days ago by myself and by several of my colleagues. The noble Lord who began this discussion (Lord Oranmore and Browne) based his Motion, so far as I understood him, on two grounds, the one being the necessity of keeping up the character of this House, and the other in order that the people of this country might be enabled to understand the Treaty in the future—the noble Lord assuming, I suppose, that up to the present they do not comprehend its import. With regard to the character of your Lordships' House, I said the other day that I believed it to be very important that great international proceedings like the present should be thoroughly discussed; but I doubt extremely the desirability of again debating this particular question after the thorough discussion it received on the recent occasion of a Motion hostile to the Treaty being proposed in this House by one of the most eminent men in Parliament—a man entitled to speak with the greatest weight and position on the subject. On the occasion to which I refer the House expressed an almost unanimous opinion on the subject, and the noble Earl (Earl Russell) himself did not think it necessary to have his Motion put from the Woolsack; I therefore repeat that I very much doubt the desirability of re-opening a discussion which can have no good effect with regard to the practical issue of the case. With regard to the second ground on which the noble Lord bases his Motion—his desire to better instruct the people of this country as to the Treaty—I must beg leave to express my opinion that the people of this country understand the Treaty of Washington quite as well as the noble Lord does. I trust that, at any rate that they will not make that confusion between the obligations of international and municipal law which, as far as I could gather, seemed to pervade the mind of the noble Lord. I rejoice, however, that this short discussion has arisen, because it has given to two of my noble Friends opportunities of making very excellent speeches upon the merits of this Treaty. There is one point only in those speeches to which I wish to allude briefly. The noble Lord (Lord Houghton) is the only Member of the Neutrality Commission who thought it desirable that for

the future the exportation of arms and munitions of war should be prohibited as a rule of International Law, in the same way that vessels of the *Alabama* class should be prevented leaving our shores. In answer to that, I beg to state that, in my opinion, the questions rest on grounds totally different and distinct the one from the other. On the one hand, nothing is so easy as to prevent a vessel of the *Alabama* class escaping from our shores, and the only loss to the country which would result from such a prevention would be the small amount of profit which the individual constructing and equipping the vessel might derive from the transaction, which in almost every case is contrary to the Proclamation of the Queen. But, on the other hand, I believe that no Government could succeed in preventing the export of arms, and that the attempt to do so would involve the search of almost every vessel in our Mercantile Marine—a proceeding which would injure the free flow of commerce, and so prove most undesirable in itself.

LORD ORANMORE AND BROWNE, in reply, said, he had brought forward his Motion in order to give the House an opportunity of coming to an issue on the merits of the Treaty, which opportunity was not afforded on the occasion when their Lordships were merely asked to ratify a Treaty which had been brought to a constitutional conclusion.

On Question? *Resolved in the Negative.*

UNION OF BENEFICES ACTS AMENDMENT BILL [H.L.]

A Bill to amend the Law relating to the Union of Benefices—Was presented by The Lord Bishop of WINCHESTER; read 1st. (No. 219.)

House adjourned at a quarter past Seven
o'clock, till To-morrow half
past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 29th June, 1871.

MINUTES.—SELECT COMMITTEE—Twenty-ninth
Report—Public Petitions.

PUBLIC BILLS—Committee—Elections (Parliamentary and Municipal) (re-comm.) [103]—R.F.
Committee—Report—Promissory Oaths* [169].

Report—Local Government Supplemental (No. 4)*
[187]; Sewage Utilization Supplemental*
[186-218].

Third Reading—Local Government Supplemental
(No. 8)* [211]; Public Health (Scotland)
Supplemental* [189].

Withdrawn—Registration of Births* [180].

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) BILL—ILLITERATE ELECTORS.—QUESTION.

MR. DIXON asked the Vice President of the Council, Whether the words "otherwise incapacitated," in the eighth sub-section of the ninth Clause of the Elections (Parliamentary and Municipal) (re-committed) Bill, are intended to include Electors who are unable to read and write; and, if not, whether he will introduce words providing that such Voters may not be excluded from exercising their franchise?

MR. W. E. FORSTER said, in reply, that he did not understand the words referred to to include persons who were unable to read or write. Such voters were not excluded from the franchise at present, and by an alphabetical arrangement of the names of the candidates, and an arrangement for marking a cross within a square, he did not think that any person of average intelligence unable to read or write would be prevented from being able to record his vote. The question was, however, one to be dealt with in Committee.

EDUCATION—NATIONAL SCHOOLS— BUILDING GRANTS.—QUESTION.

MR. SARTORIS asked the Vice President of the Council, Whether building grants for National Schools, promised before the passing of the Education Act, will be continued in districts where such schools are found unsuitable to the requirements of the population?

MR. W. E. FORSTER, in reply, said, in the case of building grants before or after the passing of the Elementary Education Act, the question whether the schools were or were not suitable to the requirements of the population would be kept in consideration by the Department until the award was made. When the award was made—that was, the promise to give money for certain buildings—then, of course, the Government would be pledged in the matter. If his hon. Friend had any individual case to which he wished to call his attention, he should

be glad to have information from him with respect to it either publicly or privately.

ARMY—CADETS AT SANDHURST.

QUESTION.

COLONEL NORTH asked the Secretary of State for War, Why those Cadets at Sandhurst who have passed their examinations on the A list, and thereby become entitled to Commissions without purchase, have not yet been Gazetted, as by the Warrant dated 27th December 1870, now in force, they are entitled to receive £450 for the same after a service of two years, and their case cannot therefore be affected by the passing of the Army Regulation Bill.

MR. CARDWELL said, in reply, that no officer who received his first commission since the introduction of the Army Regulation Bill would have the additional advantage of counting his service in order to obtain purchase money.

COLONEL NORTH: But the Warrant is still in force, and no notice has been given with regard to it.

MR. CARDWELL said, he had stated on a previous occasion that it was not intended to give any more first commissions on such terms as would carry a right to purchase money.

IRELAND—MASTER FITZGIBBON.

QUESTION.

MR. W. H. GREGORY asked the right hon. and learned Member for the University of Dublin, If he will postpone his Motion in regard to the Correspondence between the Gort Board of Guardians and Master FitzGibbon till after the 7th July?

DR. BALL said, in consenting to comply with the request for postponement, he must express a hope that his hon. Friend would offer some explanation of expressions which were reported to have fallen from him on a former occasion, and which had caused a good deal of annoyance to many people who had a great respect for so eminent a judicial person as Master FitzGibbon.

MR. W. H. GREGORY said, he too entertained a very high respect for the private character of Master FitzGibbon. There had been, he might add, an entire misconception of the words which had fallen from him on the occasion to which

Mr. W. E. Forster

his right hon. and learned Friend referred, which he understood had given pain to that gentleman, and which, perhaps, not unnaturally might lead him to look upon him as a kind of Parliamentary Captain Duffy. He was reported to have expressed a wish that the Master might be condemned to pass a rainy night in one of the miserable cabins to which he was at the time alluding, and experience its discomfort until dysentery and fever removed him to another and a better world. Now, by a mistake on the part of the reporter the word "him" was substituted for "them," meaning the poor people by whom those cabins were inhabited. He had not the slightest intention of uttering any stronger wish with respect to Master FitzGibbon beyond that of passing for once an uncomfortable evening in one of the wretched hovels of which he was speaking, in order that he might be able to judge for himself how lamentable was their condition.

ARMY—COLONEL PROBYN.

QUESTION.

SIR JOHN PAKINGTON asked the Secretary of State for War, Whether the Secretary of State for India has recommended that Colonel Dighton Probyn should be promoted to fill the vacancy in the list of Generals of the Indian Army caused by the death, on 24th of last July, of General Padmore; and, whether he intends to act upon that recommendation; and, if not, upon what grounds Colonel Probyn is not allowed to receive the promotion to which, under the regulations in force in such cases at the time of General Padmore's death, he has a just claim?

MR. CARDWELL: Sir, when the Committee of last Session reported on the subject of supersession it was necessary to suspend the Indian promotions until some action should be taken on the Report. The vacancy to which Colonel Probyn was to succeed was not reported to the War Office until after the date of the Report of the Committee, and consequently Colonel Probyn's appointment was suspended with the concurrence of the India Office. It now appears that the vacancy had actually occurred before the Report, and consequently Colonel Probyn's appointment will be made.

ARMY—HOUSEHOLD REGIMENTS.
QUESTION.

LORD GARLIES asked the Secretary of State for War, Whether he has yet received a reply from the Civil Service Commissioners in respect to the mode of conducting the examination of the Candidates for Commissions in the Household Regiments at the examination held on the 5th of June; and, whether it is admitted that the dictation was read with rapidity, and that the Candidates were given no time for correction, punctuation, or writing a fair copy before their papers were collected?

MR. CARDWELL: Sir, I have received the reply, which is at the service of the noble Lord if he would like to see it. It contains the following passage:—

"1. That the exercise in dictation consisted of one passage only, of the length that is usual in ordinary examinations for clerkships in the Civil Service; 2, that this passage was read on the occasion in question with rather less rapidity than usual; 3, that the candidates had the usual opportunity of correcting and punctuating what they had written; 4, that it is not the practice of the Commissioners to allow time for making a fair copy."

LORD GARLIES said, he should take an early opportunity of calling the attention of the House to the subject.

UNITED STATES—TREATY OF WASHINGTON.—QUESTIONS.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government is disposed to bring before the United States Government the claims for destruction of British property in acts of War subsequent to the 9th April, 1865, should the Commission be debarred from the consideration of such claims through that date having been fixed as the end of the War, notwithstanding that there were forces in the field, and much destruction of property after that? He should also be glad to know whether an opportunity would be given for the discussion of the Treaty of Washington in this House?

VISCOUNT ENFIELD said, he apprehended it would be necessary to await the result of the Mixed Commission before entering upon the question as to the manner in which any claims not coming within its terms, though they might be generically alike, could be dealt with.

MR. GLADSTONE, in reply to the second Question of the hon. Member, said he had communicated with his right hon. Friend (Sir Stafford Northcote) with regard to a day for the discussion of the Washington Treaty, and in the course of a few days hoped to give an answer to the inquiry of his hon. Friend.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (*re-committed*) BILL—[BILL 103.]

(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [22nd June], "That Mr. Speaker do now leave the Chair;" and which Amendment was, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—(*Mr. Cross,*)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. G. BENTINCK said, he wished to make one or two remarks on what had already occurred during the progress of this discussion. In an earlier stage of these proceedings he had ventured to say that the inevitable consequence of passing a Ballot Bill would be an immediate dissolution of Parliament, because there was no instance to be found of a self-condemned House of Commons continuing to carry on the business of the country. But the Prime Minister took exception to that assertion, and did him the honour to attribute his remarks to a dread of meeting his constituents. Now, it would be an act of extreme presumption on his (Mr. Bentinck's) part if he were to assume the favourable result of any meeting which might take place between himself and his constituents; but he felt bound to say that, considering that the right hon. Gentleman himself had been rejected by every constituency he had ever represented, and that there had been strong objections manifested towards him by his present constituents, he (Mr. Bentinck) thought he might, without presumption, venture to hope that his political prospects were, at least, as good as those of the right hon. Gen-

tleman. Another remark which surprised him fell from the right hon. Member for Buckinghamshire (Mr. Disraeli). That right hon. Gentleman, in answering a statement made by the Prime Minister, said reform had recently been largely dealt with. The statement was perfectly true; but considering, to use the mildest term, the unfortunate part which the right hon. Member had played in this large dealing with reform, he was surprised that the stings of political conscience—if there were such a thing as political conscience—should not have prevented the right hon. Member from adverting to the subject. One other statement had also been surprising. It had been said by the hon. Gentleman (Mr. A. Cross) that in Australia there was neither Liberals nor Conservatives. When he heard that remark he confessed that for the first time in his life he felt a longing to be an inhabitant of that country, because he assumed that Australia must be under the good old rule of Whigs and Tories, and all those most flagrant violations of political propriety which had shocked the moralists of this country in recent years could not occur on that happy soil. One recent convert to the Ballot (Mr. Leatham) had used the happy expression that the question of the Ballot had invaded the Cabinet. That was one of the happiest modes of expressing a sudden conversion that he had ever heard. In old times, when Members of the Treasury bench voted that to be white which they formerly declared to be black, they were liable to have their proceedings called by various ugly names—such as political tergiversation, political profligacy, and even the uncomfortable word “ratting” was sometimes applied. All these phrases were now done away with, and when Members of the Government changed their opinions it would suffice to say that they had been “invaded” by another view of the question. The hon. Member for Huddersfield (Mr. Leatham) adduced amongst other arguments in favour of the Ballot the experiences of other countries in regard to that system. He (Mr. Bentinck) could see no cogency in such logic. Did the hon. Gentleman wish the proceedings of the House of Commons should become assimilated to those of the American Congress? Would the House be improved by that? If that was one of the things he had in view it

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appeared to him to be the strongest possible argument against the Ballot. But there was a difficulty which had not yet been dealt with. Secret voting was so distasteful to the majority of the people of the country that it would, in many constituencies, be scouted with contempt. How were they going to deal with that state of things? Was there any provision made in the Bill for the case in which a constituency—regarding it as the initiation of an unmanly practice—should unanimously, or almost unanimously, refuse to comply with secret voting? Were they about to enforce penalties against those who would not register their votes in secret? He had listened with great attention to the speech of the right hon. Gentleman the President of the Poor Law Board (Mr. Stansfeld), and he (Mr. Bentinck) was bound to say that a more unwilling advocate he had never heard in his life; everything the right hon. Gentleman uttered being, in fact, opposed to secret voting. The right hon. Gentleman said the system was right except in cases where bribery occurred. But was any hon. Member prepared to suggest the possibility of a state of circumstances under which secret voting would not be accompanied with bribery? That disposed of the argument of the right hon. Gentleman. The right hon. Gentleman also said that the system of secret voting produced tranquillity at elections; but he (Mr. Bentinck) must say that, from all accounts, it appeared that the scenes of turmoil and confusion occurring at contested elections in America were more discreditable than any that occurred elsewhere. The real remedy to prevent disturbance at elections had been suggested a hundred times, and it simply consisted in having resort to the system of voting papers. The right hon. Gentleman the President of the Poor Law Board went on to refer to evidence in favour of the Ballot, and quoted Sir James Fergusson, who stated that the system of Ballot was susceptible of manipulation. That, no doubt, meant that the Ballot would lead to every possible kind of bribery. The right hon. Gentleman also quoted Governor Du Cane, who strongly recommended that provision should be made for a scrutiny. Now, he (Mr. Bentinck) apprehended that if a scrutiny were made possible, the system of secret voting came at once to an end.

Whether hon. and right hon. Gentlemen gave their own opinions in favour of the measure, or quoted those of others, the defects of the system were alike made manifest. There were three points to which he wished to refer. It was said, in the first place, that the Ballot would do away with intimidation. It might suppress intimidation, and if that would be its only result he would be one of its strongest supporters, believing as he did that the greatest amount of intimidation was practised in large towns by those who were classically termed "roughs," and in the sister country by those who were disaffected to the Government. The next question was that of personation, which would undoubtedly be greatly facilitated by secret voting. With open voting this was all but impossible; with secrecy it was easily perpetrated, constantly attempted, and generally a success. Then came the real gist of the matter—bribery, which, in his opinion, was the pivot of the entire subject. Was any man so guileless as to suppose that where one person had something which he wished to transfer, on which another set value, and for which he was ready to pay, the transfer would not take place? The only effect of the Ballot would be to increase hypocrisy and render impossible the detection of bribery. When Mr. Berkeley used to bring forward his Motion in favour of occult voting, hon. and right hon. Gentlemen on the Treasury bench voted steadily against it. On the last occasion when Mr. Berkeley brought forward his Motion, a paper was put into his (Mr. Bentinck's) hands prepared under the impression produced by the large majorities who supported the then Member for Bristol, that he might at length succeed. In this paper the full details of a system were given by means of which, under the Ballot, bribery could simply and successfully be carried out. Some able and not over scrupulous person in a borough was to undertake for a certain sum to return a candidate. For this purpose he was to come to an understanding with, if possible, a majority of the constituents; but if not, with as large a number of voters as possible, that if so-and-so were returned they were to get a certain sum, and that if he was not returned they would get nothing. That system would be in operation if this Bill were passed. His regret was

that he did not keep the paper, which he certainly would have done had he foreseen the conversions which had since taken place in high quarters. After the debate in which he had produced that paper, and when going into the Lobby with many right hon. Gentlemen sitting on the Ministerial bench, a noble Lord who was now a distinguished Member of the Liberal party in the other House, turned round and said to him—"You are quite right in what you stated. Arrangements have been made for carrying out this system, and I myself have had the same paper sent to me. Everything you have stated was perfectly true." He (Mr. Bentinck) asked hon. Members whether they were prepared to support a measure the only effect of which would be to give bribery a full swing and prevent the possibility of its detection? A good deal had been said in the course of this debate about party feeling; he could only say that his objections to the Ballot were not based on any party feelings. If it was a question of a vote for the right hon. Gentleman the Prime Minister he would give the measure his support. But if, on the other hand, it was a measure to bring the right hon. Gentleman the Member for Buckinghamshire into office, he (Mr. Bentinck) would oppose it as he was doing now, and for this reason—bad as the present state of things was—he thought it would be still worse under the other circumstances, because the right hon. Member for Buckinghamshire always advocated when in office the principles which he attacked when in Opposition, and were he now on the Treasury bench he would be introducing the very measure they were now opposing. So that in that case they would have two front benches to contend against. He could not do better than conclude by reading the words of a statesman whose opinion would be listened to on both sides with respect—he meant the lamented Lord Palmerston. In speaking on the last occasion when Mr. Berkeley brought forward his Motion for the Ballot, Lord Palmerston said this—

"I maintain that if the Bill were carried, and if the Ballot were enjoined by law, it would be degrading and demoralizing to the people of this country. You would turn your electors into law-breakers or hypocrites."—[3 *Hansard*, clvii. 955.]

He need not say, after that statement by Lord Palmerston, the right hon.

Gentleman at the head of the present Government voted against the Bill. He again asked those Members of the Liberal party who had always strongly opposed bribery and corruption whether they were prepared to support a measure the only results of which would be to perpetuate them without the possibility of detection.

MR. OSBORNE: Mr. Speaker—Sir, able, exhaustive, and I think I may add exhausting as have been many of the speeches addressed to us on this occasion, I own to a feeling of disappointment that this debate has been taken on one clause of the Bill alone. It has been restricted entirely to the mode of taking the poll. Now, I am not content to discuss so large a question as this on so small a matter. What is the title of this Bill? It is the "Elections (Parliamentary and Municipal) Bill, to amend the laws relating to procedure at Parliamentary and Municipal Elections, and for other purposes connected therewith." Now, I beg the House to recollect that this is the first instance, according to my experience, in which any Government has attempted to deal with the mode and manner of conducting municipal elections—a most important thing, as connected with Parliamentary elections. Sir, this is not a mere Ballot Bill. It is a Ballot Bill, and something more; and I must protest against discussing so large a measure merely with reference to one point—that of secret voting. Now, the speech, the sensible and able and fair speech of the hon. and learned Member for South-west Lancashire (Mr. A. Cross) exhausted the subject so far as regarded the mode of taking the vote; but I regret to say he passed over nominations, the cost of elections, and the prevention of corrupt practices as mere minor points in this Bill. For my own part, I consider these points quite as important for our consideration as the mode of taking the poll; and with the leave of the House I shall introduce a novelty by discussing some of those points which hitherto have been entirely passed over. This is a Bill to re-construct the whole of our electoral system, Parliamentary and municipal, and I say it ought to be discussed and judged of as a whole, not merely as a question of detail. What is the question which was very well put by the hon. and learned Member for South-west Lancashire (Mr. A. Cross)? He

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said the question they had to decide was how to secure the best representation of the people and the best composition of this House, so that the voter may vote securely. Well, I think in undertaking such a task it was a very wise step to include municipal elections. And why? Nobody can deny that the municipal election is the cradle of the Parliamentary procedure. In all cases where municipal contests are conducted by corrupt means, Parliamentary contests are conducted by the same means. I have had experience of municipal elections. I know the cost of being a town councillor. What is it? It is a low rate where the town councillor is elected by the application of 5s. in hand and a dinner to the electors. I have known a town councillor, for the pride of appending T.C. to his name, spend £1,500; and I know that there is, where this gentleman lives, an ascending scale for one desirous of being an M.P. He does not get in for that sum. The man who votes for 5s. for a candidate for being town councillor, puts 10 per cent on for one ambitious of being a Member of Parliament. The same corrupt means used for the election of the town council are organized for the return of the borough Members. The constituency is debauched at the core by the municipal elections, and I say it is a wise and a statesmanlike measure to deal with municipal elections in conjunction with Parliamentary elections. Now, Sir, so much for the title of the Bill. I think Clause 2 merits some consideration of this House. Clause 2 deals with the whole system of nomination days. Who that has ever stood a contested election where parties ran high, but must confess that the most exasperating formality is that of the nomination? What is it but a Saturnalia for all the roughs and rowdies of society, where freedom is only recognized by its shrieks—where, if there is equality, it is the equality of tumult and disorder? I maintain that nomination day is at the root of all the evil. What is it? Bribery commences at the very outset on the nomination day. I am speaking of those who have not got snug seats. How does bribery commence? Does not every hon. Gentleman know beforehand the pains taken to secure what is called "a hearing?" I have found among my legitimate expenses the hiring of an audience to listen to my oration, and I have suffered most severely from the efforts of

my enthusiastic partizans, who, to keep silence, made such a commotion that neither side could be heard. That is what was called "securing a hearing." I paid £85 on the last occasion to secure a hearing in the town of Waterford, and was not allowed to speak a word. So much for securing "a hearing." Then there comes another thing on nomination days—it is thought necessary to have the show of hands. How is the show of hands secured? Very much in the same way that the hearing is secured. But one example is worth ten speeches. Let me give the House an example how the show of hands was secured at the Norwich election on January 6th, 1871. When a Committee sat on the Norwich Election Petition, Mr. J. Young was examined as to the proceedings of the Liberal Committee in the election of 1866. "Mr. Coaks inquired—'What about the show of hands on the nomination day?' Something was said about the cost. Sir William Russell asked—'Is it legal?' Witness recommended, if legal, the show of hands should be procured, as it would add to the prestige of the popular party. Mr. Coaks was examined. He said he felt strongly on this point, as the Liberals had always made a point to get it; in 1865 they spent £34 with this object." So much for the show of hands; and this was called freedom of election. Can there be anything more disgraceful than keeping nomination days for this purpose, and calling it freedom of election? There is in the Bill another excellent clause, to which no allusion has been made—I refer to that which prohibits the hiring of rooms in public-houses. We hear a great deal about the Ballot, but not about these useful provisions which the Government has introduced into this Bill, and which I hope they mean to carry. I hope they are not going to take them out and leave us with a Ballot Bill pure and simple. I can conceive of nothing more useful than a clause which will forbid the hiring of rooms in publichouses. Then there comes a very important point to all of us—that of expenses. What is the cost of a seat under the present system? Do hon. Members send in all their expenses? I have reason to suppose I did not. By your present system men of moderate fortunes and prudent habits are prevented coming forward for large constituencies. Why? Because

the expense for a seat is so great. Take, for instance, the City of Manchester, so worthily represented by the hon. Baronet (Sir Thomas Bazley). If a candidate for that city wishes to send out circulars, what do you suppose the postage and printing comes to? Why, between £300 and £400. That is a pretty large item in what you call legitimate expenses. Again, take the matter of hustings; you may with advantage copy something from Ireland in that respect. We have no hustings there; there are none erected; there are no out-door nominations. But in Marylebone, which is said to be a pure borough, where there is no bribery, when a candidate comes forward he must give a guarantee to the returning officer that he will lodge £800 for the expenses of the hustings. The consequence is, that candidates for such places are restricted almost entirely to two classes; they are either very rich men, who pledge themselves to nothing, and are ready to pay anything, or they are poor men, who will spend nothing and will swallow anything. I ask hon. Members if they are content that nomination days and the expenses of elections shall remain what they have been, and whether this Bill will not effect a great improvement in them? If these expenses are to be put upon the county and the borough rates, it will make people look after the cost of elections, and we shall have no leviathan stepping in and endeavouring to swamp a constituency by the length of his purse. I now come to the subject of Clause 3, the mode of taking the vote, of which we have heard so much, which I shall endeavour to avoid repeating. I am not one of your recent converts to the Ballot, made by either miracle or pressure. I am not one of those who have exaggerated either its faults or its vices; I have always thought that both were overdrawn and much exaggerated. What was the origin of this Ballot? Even if it comes into play I cannot think human nature will be changed; but I believe human comfort and civil order will be promoted. I heard an hon. Friend of mine talking of a day of humiliation when the Ballot came into play. I think the humiliation to us is that this measure was not passed long ago. That is the humiliation I feel, and not that we are about to do tardy justice to the suffering voters of this country. There is no principle in-

volved in the mode of taking the poll. I hold that the mode of taking the poll is merely an arrangement to be used or not as circumstances may require. We hear sometimes that the Ballot is an un-English plan; that is what men always say of things which are not according to their ideas. We may call the Revolution of 1688 un-English, because it was led by that enterprising and uninteresting person William III. The introduction of the Ballot into this country is not a thing of recent date. It is the fashion to say that it is recent, and that it is copied from America. America copied it from us. I find from the old City records that the Ballot was used in the election of aldermen as long ago as 1526; and in 1637 there was an Order in Council about the Ballot which is not generally known. The Ballot came from Holland. It was introduced into this country by a company of merchant adventurers, great traders, who had factories in Holland. It was owing to one Meissenden, who was a deputy of this association at Delf, and who was forced upon them by Laud and Charles I., that the Ballot was introduced into England. They wanted Meissenden to be elected for Rotterdam; the company were opposed to this, they voted against him, and he was defeated. Charles I. sent for the list of voters, and it was handed to him; but there were no names upon it, for the voting was by Ballot. Here, then, is a most extraordinary thing discovered by the researches of Mr. Hepworth Dixon, and only lately made public. It is an Order in Council of Charles I., which I cannot resist reading to show his idea of the Ballot, which was very much the idea of the hon. Gentleman who spoke last in this House, although that is the only similarity I see between them. The Order in Council is dated Hampton Court, September 17, 1637, and it reads thus—

"His Majesty, this day sitting in Council, taking into consideration the manifold inconveniences that may arise by the use of balloting-boxes, which has of late begun to be practised by some corporations and companies, did declare his utter dislike thereof, and with advice of their Lordships ordered that no corporation, &c., either in City of London or elsewhere in His Majesty's kingdom, shall use, or permit to be used, in any business whatsoever any balloting-box, as they tender His Majesty's displeasure, and will answer the contrary at their peril."

The King found the Ballot so inconven-

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nient because he could not foist his spy deputy upon the merchant adventurers. Let the House recollect that vote by Ballot has been adopted by every European country, and in most of our colonies, and I have never heard that there has been any desire on the part of those countries to recur to open voting. A great deal has been said on the question whether the vote is a right or a trust; but I do not mean to go into that, for it strikes me that it is a mere disputation, fitter for a debating society than for the House of Commons. The hon. Member for South-west Lancashire says that the voter is a trustee for the nation at large; and I want to ask him this question. A trust is exercised solely for the benefit of another person; how is that to be enforced? Will he propose to enforce that trust by compulsion and intimidation? These are the very things we are doing all we can by our legislation to prevent. I say there cannot be a trust which cannot be enforced. I want to know what reason there is why the vote should be open? If publicity involves danger to the life or the limb of the trustee, it behoves this House to provide means by which that trust shall be exercised secretly and in security. I cannot understand how secret voting can be contrary to the Constitution. The only Acts I have been able to find on the subject are that of Edward II., which deals with Parliamentary voters, and says "that no man shall be brought to vote by force of arms or menace," and that of Henry IV., which says that "in presence of full county, the elector shall vote freely and indifferently." How is a man to vote freely and indifferently if there are men waiting to break his head? I say this House is bound to enable men to vote freely and indifferently by giving them the protection of secret voting. France has been referred to; and I say, so far as I have been able to understand anything, you would have had no Conservative minority at all in the late Chamber if there had not been vote by Ballot. We have heard a good deal about America; and what is the evidence as to the working of the Ballot in America? A Committee which sat upon this subject in 1835 examined M. de Tocqueville, than whom they could not have had a better witness: and this is part of the examination—

"Do you think that secret voting in America is required to protect the electors against the state of popular feeling?—Answer. Yes, in America tyranny can only come from the majority, and their secret voting is an important security against the tyranny of the majority, which is the greatest evil that attends a purely democratical form of Government."

I say, as our Government is becoming every day more democratic, it is necessary to protect voters against trades unions, and, in short, against mob tyranny; and it is impossible you can do that unless you alter the mode of taking the poll, and introduce secret voting without scrutiny. Italy has also been referred to; but this evidence was given by a Minister of Italy, Signor Valerio, in 1857—

"Was the Government on one hand and clergy on the other prevented by use of secret voting from controlling the elections?—Answer. I believe that many agriculturists, artisans, and shopkeepers would not have dared to vote openly against candidates proposed by the priests and aristocracy, on whom they are dependent."

Can anything be more satisfactory than that? I cannot understand what alarms hon. Gentlemen. My own feeling is that the Bill will have a strictly Conservative tendency, and will do more to protect the Conservative party than any measure which has yet been brought forward by their own leader. The question has arisen whether bribery has decreased or not? Some hon. Gentlemen are of opinion that it has decreased; but my own experience does not lead me to that conclusion. I believe if bribery is less open, it is more subtle—

"For Satan now is wiser than of yore,
And tempts by making rich, not making poor."

The purchase system is not confined to the Army, nor is over-regulation price either. Had the men who during the last 50 years have been made Peers and Baronets through a species of bribery, performed any distinguished services, or had they been of any use to society? No. They had spent their money in elections; and that is the way in which Peers and Baronets are made. That is why there is such a rush to get into this House on the part of millionaires. They begin by promoting what is called the good of the party. And what does that result in? The promotion of an individual. And then we visit it upon the humble men who want the money with which the place has been flooded; and then we send the honourable flooders to

what is called "another place." I find that the first record of bribery in this House is dated 1571. That bribery consisted of the giving of a great deal of money to Members of the House to influence their votes with reference to local and private Bills. To such an extent had that system risen in the time of Charles I. that Lord Clarendon mentions it in his *History*. He states that all public business was put aside in order that the Members might scramble for the money given to influence their votes with reference to local and private Bills. The question is this—What is likely to be the effect of the Ballot on bribers? I am ready to admit that I do not think the Ballot will eradicate bribery. But it will make bribery more dangerous; and I do not think any man, however bold or however profligate, will be induced to spend money for which he is not certain whether a return will be made. There is a very curious instance of this. Formerly a place in Suffolk sent a Member to this House. It is called Sudbury. There never was such a place as Sudbury for bribery. No man could be returned for Sudbury at a less cost than £8,000. I have found a curious bit of evidence as to what was the notion of the voters in Sudbury as to the effect of the Ballot on them. Dr. Mitchell, a Government Inspector, in reporting in 1840 on electioneering abuses, stated that the voters of Sudbury were by no means friends of the Ballot, and that when a candidate at the election of 1835 declared he was a determined supporter of vote by Ballot in order to put an end to bribery, there arose a tremendous commotion in the borough, and an immediate cry of "No Ballot, no Ballot!" I think the people of Sudbury were very good judges of what the Ballot would do. So much for the English side of the business. A very pertinent question was put by the hon. Member for South-west Lancashire to this effect—How will the Ballot improve the representation of Ireland? That is a very difficult question to answer; because there are two points of view as to what improvement may be, and it is very difficult to adjust the focus of one's glasses so as to get an impartial view of English ignorance and Irish prejudice. The case of Westmeath has been adduced. I know something of Westmeath. It is my firm conviction that if the voters

of Westmeath at the last election could have recorded their votes by means of the Ballot, and had thus been able to go to the poll freely, that election would not have resulted in the triumph of the hon. Member who now sits for Westmeath. I know that if in the contest for the county of Waterford we had had the Ballot, instead of winning at the risk of my life by a miserable majority of 8, I should have won by 120. But my voters were afraid to go to the poll. When they did go to the poll they were so beaten and so ill-used that they declared to me they would never vote again. But we have had the experience of the Members for Trinity College, Dublin. Two more able or more respectable Members do not exist in this House. But I must demur to the electioneering experience they have derived from representing Trinity College, Dublin. They come from a happy land, where care is unknown. What do they know further than off collegians firing off squibs and crackers on their return? The junior Member for the University (Mr. Plunket) has praised Whig measures, but he has a strong aversion to Whig men. Now, I am not aware of any place in Ireland which returns Whigs but one, and that is the University of Dublin, and I will say of them—

“O fortunati nimium, sua si bona norint!”

Do not talk to me of experience derived from Trinity College, Dublin. Take any locality in Ireland where there has been a contest, and both sides will complain of coercion, one of the landlords and the other of the priests. Well, Sir, will this Bill have any influence in tranquillizing them? The misfortune of the Irish elector is this—that, with all his many virtues, he has little or no regard for individual freedom of opinion. Independence at elections is looked upon as a crime; it is, as independence has been said to be in this House, a thing which cannot be depended upon. No man in humble life dare be independent. He is a marked man; and I have known men persecuted to such an extent that they have been obliged to sell their farms and leave the country on account of their votes. Would secret voting do any good under such circumstances? There is a great difference between an election in England and an election in Ireland. In Ireland a man is put upon the voters' list

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compulsorily. He is compelled to have a vote, and very often to use it when he is utterly indifferent to it. In England you march out all the troops when there is an election; in Ireland you march in the troops, and every town is proclaimed to be in a state of siege. The unfortunate voters go up to the poll frightened out of their wits with a large escort of cavalry and police. They vote at the peril of life and limb. I have seen it myself. I remember finding a most extraordinary item in my last election bill—namely, “for two sets of teeth, £12 10s.” I was so alarmed that I asked my adviser whether it was legal, and he said it was, for the men had lost their teeth in my defence, and some were walking about quite prepared to lose another set in the same way. And these came under legitimate expenses. Mark you, we have nothing of that sort in England. This is called a light affair; but I have known men lose the use of their limbs; I have known two instances where men were killed and carried away and quietly buried, and nobody ever heard anything more about them. That is the history of an Irish election. Now, I say it is a positive cruelty to thrust a vote upon a tenant which entails upon him the miseries without the glory of martyrdom, unless you intend to give that man the protection of secret voting. The consequence of the present state of things is that our system of election is hated by the people. They wish voting to be done away. What occurred at the last election for the county of Tipperary? In that county there are 10,000 voters upon the register. How many of them do you suppose voted at the last election? 4,000. The rest of them stayed at home, and I do not blame them, for they would have met with a most warm reception if they had attempted to go to the poll. The junior Member for the University held it out as a deterrent effect, that if the Ballot were introduced in Ireland, the great majority of the Irish Members would be Nationalists. If that proves anything it is that the men returned now are not returned by the free choice of the people. But I deny that. I believe that, with secret voting, there would be a great chance, especially in the counties, of men connected with the counties and of moderate Irish opinions being returned. At any rate, we ought to see whether the Ballot

would have that effect, because no man who has lived in Ireland can deny the strong feeling of nationality which exists in the Irish mind, and no man knows better than I do that that feeling is not to be smoothed down or got rid of by measures extorted by Parliamentary necessity. The Irish are looking for something more, whatever that may be. There are many interpretations of home rule. If home rule means local government for local purposes, and if for Imperial purposes the Crown is kept as it is, I see no great objection to home rule. But, unfortunately, that is not the idea of home rule entertained by ardent enthusiasts. Home rule with them means secession, and if it comes to secession I say this—great as is my desire to be in this Parliament, proud as I am of my connection with Ireland, and more particularly of the constituency that I represent, ready as I am to make some sacrifice, I am not ready to make a sacrifice of principle, and I say to them in the words of Sir Richard Lovelace—

“I could not love thee, dear, so much,
Loved I not honour more.”

Therefore, when you talk to me of home rule, I say “Define what home rule means.” Do not let us Irish Members go over in a body without knowing exactly what home rule means; do not let us give way to the screw that is put upon us. I go for home rule under proper circumstances and reservations; but I abhor secession, because I know the first thing would be the military subjugation of Ireland. I have been induced to make these remarks in consequence of what was said by the hon. Member for Cork (Mr. Maguire), and I thank the House for having listened to me so long. I support this Bill as a whole because I believe it is for the interest of civilization and the country, and that it will bring orderly and quiet elections. I rejoice that secret voting is included in it, because I believe it will be a protection, not—as was said by the right hon. Gentleman the Member for Oxford University (Mr. G. Hardy)—for the mean, the cowardly, and the dishonest; but for the educated, independent, and law-abiding electors.

SIR MICHAEL HICKS-BEACH said, he desired to call attention to the manner in which this question had been treated by the Government during the last two Sessions. At the commencement of the

Session of 1869 Her Majesty's Government were advised in the Speech at the opening of Parliament to recommend that Parliament should inquire into the present modes of conducting Parliamentary and Municipal Elections, and consider whether it would be advisable to provide any further guarantees for their tranquillity, purity, and freedom. A Committee of considerable weight and authority was accordingly appointed, on the Motion of the Prime Minister, who entered fully on the whole question, and it was not too much to say that Her Majesty's Government practically delegated the authority to inquire into the matter, and people had expected with him that the Bill now before the House would be in accordance with the recommendations of the Committee. The Committee recommended that the law relating to the obtaining of seats by corrupt practices should be placed on the same footing in Parliamentary and municipal elections. They recommended a considerable multiplication of polling places in counties, and that better provision for the recovery of damages in cases of destruction of property by riotous mobs during the time of election be introduced; and, finally, although they recommended the inviolability of the vote, they, on the Motion of the hon. Member for Bedford (Mr. Whitbread), introduced a proviso that there should be an exception in cases where bribery or personation had been proved. Now, he had to ask if the Bill before the House contained any one of these proposals. On the contrary, it contained proposals which were negatived by the Committee, so that it might be fairly asserted that the Bill did not represent the opinions of that important Committee, but was merely a Bill forced on the Government by the hon. Member for Huddersfield (Mr. Leatham) and the hon. Member for Brighton (Mr. Fawcett). He had said the Committee was an important one; but he did not know if the epithet was applicable, for he thought there was some force in the remark which was made out-of-doors that, the Committee was appointed in order to afford some reasonable excuse for the conversion of the noble Lord (the Marquess of Hartington) and the right hon. Member for Morpeth (Sir George Grey) to the principle of the Ballot, to which they had been so long opposed. In discussing the question of

the Ballot, which he thought was by far the most important proposal in the Bill, he could not disguise his satisfaction that they had passed the period of second readings of Bills which had only been introduced to be withdrawn, and had now before them a scheme for voting by Ballot. He could hardly call it a complete scheme when he looked at the 20 pages of Amendments with which the Notice Paper had been crowded by hon. Members on the Government side who supported the Ballot on principle. It had been generally admitted in this debate, and universally admitted by the Members of the Government, that open voting was in itself preferable to secret voting, and therefore he would not attempt to argue that question. It must be clear to everyone that if secret voting offered an opportunity for fraud by allowing the voter to deposit two papers in the Ballot-box, no elector could vote twice at the same time if he gave his vote *vid voce*; therefore, *prima facie*, open voting was better than secret voting. But Her Majesty's Government had recommended secret voting as a remedy for the evils of intimidation and bribery, which they declared prevailed to an extent never before witnessed, and which they declared also could be remedied in no other way. He would therefore show, first, that if the Ballot were secret it would not put a stop to intimidation and bribery; and, secondly, that the Ballot, though it would be legally secret, could not in this country be practically secret, and therefore it would not only not stop those evils, but, in addition, it would give rise to others, from which up to the present time we had been free. With regard to bribery, the Committee had reported that county elections were, in the main, free from bribery. In the case of small boroughs nothing could be more easy than for a candidate to make a bargain with the leader of a club that he should pay a certain sum of money to the voters for his return. The noble Lord the Chief Secretary for Ireland said on Monday last that that could never go on, because the leader of a club of voters would take the promises of both candidates; but he seemed to forget that the money would be paid conditionally on success, and as regarded the man who failed he would know better next time, and offer a higher price. The hon. Member who had last spoken said that secret voting would era-

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dicate bribery and make it more dangerous. He quite agreed with the hon. Gentleman that it would make bribery more dangerous, but in this sense—that the persons who had been bribed would never be found out. In the case of large borough constituencies, an arrangement with a club of voters such as he had described would be impossible owing to the number of voters; but even if that were so, bribery would still exist in such large constituencies. Why, had hon. Members so soon forgotten the result of the Election Petition for Bristol? On that occasion a test Ballot was conducted with perfect secrecy; voting was confined to members of the Liberal party, and what was the result? Mr. Baron Bramwell's statement of the case was that on the occasion of that test Ballot, and after the receipt of the writ for the election, two agents of Mr. Robinson gave trifling sums to voters to vote for him in the test Ballot, and one agent gave drink to voters for the same purpose; some of the voters so dealt with voted in the test Ballot for Mr. Robinson; others voted for the other candidates. But did the uncertainty of the vote stop the giving? The giving of both money and drink was solely for the purpose of bribery and of inducing the men to vote in the test Ballot. Surely after that they would not hear much more of the abolition of bribery in large boroughs by secret voting. Hon. Members opposite were disposed to admit that secret Ballot would not put a stop to bribery, and he would notice the words which were addressed to the Committee by one of its members (Mr. John Bright), who had always been a consistent advocate of the Ballot, and which were afterwards inserted in the Report. These were to the effect that the Ballot would secure a greater degree of freedom and purity than was secured under the present system. And if he rightly understood the Vice President of the Council in his speech on the introduction of the Bill, he only considered that the Ballot would prevent bribery where the voter was bribed to vote against his opinions. He entirely agreed with what the hon. Member for West Norfolk (Mr. Bentinck) had stated, that where one man was willing to give money for a vote, and another man was ready to give a vote for money, no legislation on the part of that House would be sufficient to prevent bribery. One of

the witnesses from Australia (Mr. Guerdon) stated before the Elections Committee that in one of the Australian colonies a candidate had paid a sum of money for the conveyance of voters to the poll, although he could not possibly find out how they were to vote. And Mr. Wilson, of Tasmania, admitted, in a paper recently laid before the House, that a wealthy candidate or committee-man might sometimes offer a poor elector substantial inducements to vote in a particular way under the secret Ballot which prevailed in that colony. Turning to the question of intimidation, he did not think there was any point on which so much exaggeration had been used as on that. The hon. and learned Member for Taunton (Mr. James) the other day told the House that he would not have supported the measure were it not for the immense increase of intimidation. But if intimidation prevailed to the extent which some hon. Members appeared to suppose, he should be inclined to conclude that the spirit of liberty was so nearly extinct in this country that no change in our system of voting could possibly revive it. However, he believed it could be distinctly shown that intimidation was powerful only when there was no potent feeling on the other side, and that the slightest breath of popular excitement would be sufficient to sweep it away like a straw before the wind. Now, what was the case in Ireland? The Committee reported in very strong terms upon the prevalence of intimidation in that part of the country, and the noble Lord the Chief Secretary for Ireland, in his speech on Monday, stated that the present system of Irish elections was a disgrace to a civilized community. But what were the real facts which had lately happened there? They had always heard that intimidation in Ireland was the intimidation of the landlords on the one side, and the priests on the other. The hon. and learned Member for Dublin University (Mr. Plunket) the other night had very well told the House that the provisions of the Land Bill had effectually taken away the power of intimidation from the landlords. And with regard to spiritual intimidation, was there a constituency in the whole of Ireland supposed to be more under the dominion of the priests than Meath, and what happened there under the system of open voting? Why, the popular candidate

was returned in spite of the priests. ["No, no!"] Well, if hon. Members said no, he could reply that that was stated in all the papers. Again, what happened in Westmeath? When the two candidates started, one of them was certainly supposed to be more the favourite of the priests than the other; but the priests found that the only way they could maintain their cause was by going in favour of the Nationalist candidate. It hardly seemed that the Ballot was necessary to put down either the landlord or priestly intimidation in Ireland. But even if it were, did any hon. Member think that spiritual intimidation could be stopped by secret voting? That was a point that scarcely needed argument. If a man believed that in a future state he would be punished unless he voted as his priest told him, he would vote in that way, Ballot or no Ballot. As to the English counties, it was said in former times that landlord influence prevailed there to a dreadful extent. They had not heard very much of that during recent debates, and the reason was because everyone was convinced that the feeling of the county constituencies was essentially Conservative. If they wanted an old Tory, they must look for him among the men who hated change, were jealous of the towns, and averse from centralization. Landlords and tenants voted together because they were bound by the same sympathies and interests, and where those interests differed on any important question the tenant would be found, as in Scotland, ready to take an independent course. What landlord in his senses would turn out a tenant for voting against him? If the tenant was a good one, the landlord would lose just as much as an employer by dismissing a good workman. And not only would the landlord lose in pocket, but his party would also lose in political influence. The Ballot would never prevent an intimidator from saying to a voter—"You shall work for my party, you shall canvass for my candidate, and support him at public meetings;" and if the elector voted for the other party at the poll, did hon. Members think he would be able to keep his secret? After the election, what would be easier than for a landlord or employer who had a great many tenants or workmen, voters in a particular district, going around and asking each how he had voted, and comparing

the results with the published results of the poll, which would infallibly tell in cases where they formed a large proportion of the voters how they had voted. All the Ballot would do in that way was to afford excuse for suspicion where at present no suspicion arose. The honest voter, who wished to vote with his landlord or employer from personal attachment, which might be stronger with him than political opinion, would be subjected to suspicion, and in that way infinitely more trouble and discomfort would be caused than could be saved by doing away with intimidation. They had been told—and it was a curious instance of the argument from a less to a greater—that the secret Ballot had succeeded in Australia, and therefore must succeed here. He wished to attach every possible weight to the evidence which emanated from men who had sat in that House, and whose conduct there freed them from any suspicion of being prejudiced in favour of the Ballot. They had testified to the success of the Ballot in Australia; but they had other evidence on the point. Some years ago a gentleman, who then, as now, was a Member of Her Majesty's Government, said—

"For several years he had given but one vote upon this subject, and that was for the Ballot. Since that time, however, he had thought much on the Ballot, and the more he thought of it the less he liked it. These objections had not been lessened, but increased by his Australian experience at the Colonial Office. . . . The circumstances of Australia were so different from the state of things in the old country that no safe conclusion from the one was applicable to the other."

The right hon. Gentleman who used those words was then Under Secretary for the Colonies, and now held the office of President of the Board of Trade. The right hon. Gentleman had changed his opinions on this subject twice already, and it was to be hoped he would change them again. He did not want to taunt the right hon. Gentleman. He would merely point out that the right hon. Gentleman was either right in the opinions he had quoted, or he was wrong. If the right hon. Gentleman was wrong, then colonial experience was not always so very valuable. If he were right, no word could express the matter better than he had put it. In almost every point the state of the Australian colonies offered scarcely any analogy to the state

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of this country. He would take one point—the anxiety of the rich to enter into Parliament. That was the case in this country, but not in Australia; and, indeed, all the evidence was to the contrary effect. He had himself heard that a rule in a leading Australian firm was that no partner should demean himself by entering any of the Colonial Assemblies; and, as a rule, the rich in America took very little part in politics, either as candidates or electors. There being payment there for Members, the majority of them were elected from among those who had failed in other pursuits. Some years ago Lord Lytton delivered a speech in that House in favour of the Ballot, though he had changed his opinions since, and in Rome he said that the Ballot was not effective against bribery. All barriers were in vain against the enormous fortunes and gigantic ambition of the patricians who came to the elections laden with the spoils of exhausted nations and devoted the plunder of other countries to the corruption of their own. And if we turned to the present state of our own country that description would not be so very inapplicable. So long as that House was the most powerful Assembly of its kind in the world—so long as men of the highest position and the greatest intellect desired to serve their country there—and so long as seats within those walls afforded passports into society, so long would wealthy men spend large sums to get into Parliament. They had in this country what they had not in Australia, persons ready to bribe, and others ready to be bribed; and, beyond that, we had in this country long traditions of bribery. In Australia the working classes were so independent, and were in the receipt of such good wages, that bribery would be no inducement whatever to them to give their votes. Look at the comparative position of England and Australia in reference to area and population. New South Wales had a population of 500,000, and as many square miles of territory; Victoria, 715,000 population, and 87,000 square miles; Tasmania, 100,000 population, and 26,000 square miles; South Australia 163,000 population, and 383,000 square miles; whilst England and Wales had more than 22,000,000 of population, and only 58,000 square miles of territory. In support of his second position, that a so-called secret Ballot could not

be kept practically secret, the hon. Baronet quoted statements to the effect that in South Australia from 300 to 500 voters signed a requisition to a candidate, and so showed where their sympathies lay; that in Victoria the electoral agent of a candidate for a new constituency foretold within three votes the result of an election; and the statement of Lord Canterbury that in Victoria very few persons availed themselves of the secrecy of the Ballot. The great body of our race, both in England and in Australia, were much too independent to be anxious for secrecy; and they would not conceal their votes. At the election of the School Board last autumn in London the election was open in the City of London, and secret throughout the rest of the Metropolis. It was conducted with a very considerable amount of order, except in Lambeth, where there was considerable rioting during the evening, and the Ballot-boxes had to be protected by the police. But wherever you went that day you heard men openly saying for whom they voted, and showing their papers to one another, and to the agents of the candidates at the polling-places. They really could not bring about secret voting, and if there was not secrecy, then the Ballot would be of no use at all. From our own country he would turn to one whose electoral system could fairly be compared to that of England—he meant the United States. He ventured to say that in the United States they had never been able to arrive at a secret Ballot, and the hon. Baronet the Member for Chelsea (Sir Charles Dilke) expressed that opinion before the Parliamentary Committee. This failure had not been because they had not tried to obtain secrecy. In Massachusetts, according to the original constitution of the State, the polling was secret; but it was found that fraud arose, and then the alteration was made that the paper should be placed in the box unfolded, so that practically the vote was given openly. It happened, however, that the heads of some large manufacturing firms were accused of intimidation, and a proposal was carried for a secret vote, the voting paper to be placed in an envelope and then placed in the Ballot-box. It was feared, however, that this would so encourage fraud that they did not agree to the proposal, and the system of voting at that time in Massachusetts, though

legally secret, was practically open. In Rhode Island there was secret voting from 1851 to 1854; but the inhabitants seemed to have become satisfied that such a course of proceeding was ineffectual or inexpedient, and now it was open to the voter to vote secretly or not. The Government supplied the envelopes that contained the secret voting papers; but comparatively few such envelopes were now applied for, and the number was decreasing year by year. In New York State the voting was practically so open that a skilful election agent could tell immediately on the closing of the poll, within 5 per cent, how the voting had gone; and yet in that State there was a provision that the voter should put his paper into the Ballot-box in such a way as to conceal it from the returning officer and from the bystanders. This proved that they could not have secrecy under the Ballot. Now, what was the result of the Ballot as to bribery and intimidation? In America it was impossible for landlords to intimidate tenants, because there were no tenants to be intimidated; or for employers to intimidate workmen, because the demand for labour was so much in excess of the supply that the workmen had it all their own way, and the employer, unless in exceptional cases, had no practical control over workmen. But there was a kind of intimidation that was extremely prevalent, and that was the intimidation of the mob. Respectable voters were driven from the poll by roughs, the opinions of the voters being sometimes known, but more frequently suspected. In Rhode Island also it was said that the number of those who could be bought was enormous, and many more could be influenced in various other ways, so that the State could be carried by any party who could furnish the necessary funds and the necessary influence. Professor Morse had been quoted to show that corruption was almost unknown in the United States. But this must be a play upon words. In the sense in which we used the word, corruption might be almost unknown, because in those large constituencies it did not pay to bribe individual voters with sums of money. Candidates could spend their money better in providing drink, or in inducing persons to commit frauds. There was also another mode of corruption in America, of which we happily had no ex-

perience. It was not always the candidates or the party who provided corrupt means. Corruption was carried on at the expense of the public and of the State. A system under which every person holding office, from the President to a policeman, was subject to the result of an election, afforded the strongest inducement to persons of all ranks to work for their party in the hope that either they or their friends might be elected to office; and when put into office they took care to reward themselves for their work. Every thinking man in America was of opinion that this was one of the most infamous systems ever introduced into the Government of a country. Intimidation and corruption of certain kinds being thus shown to exist in America, were there no electoral evils from which we were free? A gentleman of Philadelphia, who had been a voter for 30 years, declared that he should prefer a trial of open voting, as the frauds under the present system there were such that the result of the election seldom reflected the popular will. He was aware that the system of registration in America was open to the greatest abuses; but many frauds were also to be traced to the absence of any kind of scrutiny—the very system which the Government recommended in this Bill. The Ballot did not prevent Election Petitions in America; there were as many in proportion to the number of representatives as in England. The Report of the Committee of the House of Representatives stated that, as under the Ballot the vote could properly be known only to the voter himself, the fact must be determined by circumstantial evidence. This statement referred to a contested election in Ohio, where, therefore, members were actually unseated upon evidence which must often be of the vaguest description—so vague that in this country hon. Members admitted it would not be sufficient to induce a landlord to turn out a tenant, or for an employer to dismiss a workman. This state of things in America had led several States to adopt a system under which a scrutiny was possible. He had the honour of meeting Mr. Carr, a Member of the House of Representatives of Indiana, and for many years Member of the Committee of Elections, and he said that it had been found that in contested Election Petitions there was every rea-

son to suppose that persons who swore they voted for A had in fact voted for B; but the Committee had to take the oath of the voter as outweighing the circumstances. In Illinois the power of having a scrutiny had long existed, and the evidence showed that it was absolutely necessary that there should be such a power if fraud was to be kept down. As to personation, it existed both in New South Wales and Queensland, and in the former it was largely increasing. In neither State was there a power of scrutiny. In Victoria there was such a power, and the evidence of its working was that it had not tended to diminish the security to the voter, nor was there any reason to suppose that the power of identification was ever used for purposes not contemplated by the law. The right hon. Gentleman (Mr. W. E. Forster) admitted that safeguards were required against personation; but said it was not more dangerous under secret than under open voting. But in the one case you had means of detection which were impossible in the other. Where a well-known Conservative elector was personated by a man who voted for the Radical candidate, a case of suspicion at once arose which would not exist under the Ballot. There was one clause of that Bill which he looked upon with great suspicion, and that was the one which imposed a penalty upon those who improperly accused others of personation. But such penalties would make men very cautious how they made accusations of this kind, and the result would be that offenders would seldom be proceeded against. Charges of personation were made in the interest of the candidate who had suffered from them; but under a system of secret voting neither candidate would have any inducement to prosecute, because neither candidate would have any means of knowing with certainty how any man voted. The right hon. Gentleman also alluded to the use of forged papers, and said he had guarded against that fraud by the provision that the voting papers should be stamped. That arrangement might prove some protection; but still there would be no means of proving that the paper which any voter put into the Ballot-box was the same as the presiding officer had given him. In the case of the School Board elections he knew that it was perfectly

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possible for the voter to walk out of the booth undetected; but, whatever effect the provision might have in other respects, it would be no guard against any returning officer who might be tempted to commit fraud himself. He failed to perceive any provision in the Bill to prevent the tampering with the voting papers. It was all very well to say that after the election the Ballot-box would be taken away and sealed up with the seals of the candidates; but there was nothing more easy than to take an impression of a seal, open the Ballot-box, and re-seal it. There were hundreds of ways in which a fraudulent or unscrupulous returning officer might evade all the provisions put into the Bill to protect a voter against fraud. The hon. Member for Cambridge (Mr. R. Torrens) stated before the Committee which sat on this subject that the candidates in South Australia had complete confidence in the returning officer appointed by the Crown. In that happy country such confidence might prevail, though it did not exist in France under the Imperial régime, nor was it likely the Nationalist candidates in Ireland would have confidence in the returning officers nominated at Dublin Castle. The returning officers for boroughs in England were the mayors, and the election of mayors and town councillors depended more and more on political grounds and less on their fitness for the office. Was it to be supposed that Radical voters would on all occasions have implicit confidence in the conduct of a Conservative mayor, who appointed his assistant returning officer and the poll clerks. What happened across the Atlantic? In New York the poll clerks were appointed by non-political bodies, yet they were admitted to be open to fraud, the agents of one party bribing the agents of the other. New York was peopled by much the same race as a large portion of our constituent body; and what was to prevent the same practices being resorted to here? It had been said that the wealthiest and most educated class in the country were so debased in political principle that they only cared to intimidate all those whom they had under their influence; that the mass of the population were so ignorant and incapable of exercising the franchise properly that they wanted protection against the temptation of bribery; and that they were so steeped

in hypocrisy as to pretend to support one political party and on the polling-day to vote for another. It was also said that honour had left the earth, and had taken up her abode in one class, and that class was the class of returning officers; and yet it was remarkable that a scrutiny should be objected to because they might reveal the names of half-a-dozen voters who required protection. A great deal had been said about freedom of election; but was it freedom of election if a voter could not prove to his own satisfaction that he had voted for the candidate whom he wished to support? The House might now, or at some future day, pass the Bill; but if there was any reality in the danger he apprehended it would not be long before the electors would find that secrecy had been converted into an engine of fraud, and that secrecy had been purchased at far too dear a price. This system of secrecy was foreign to the habits of England, and, repeating words used by the Chancellor of the Exchequer a short time back, he said—*Non sic fortis Etruria crevit*. Our ancestors won their liberty in the light of day. We enjoyed an electoral system which was free, because it was essentially public, and we might in future be left to the mercy of the decision of a tribe of officials, who were but men, and who would be subjected to every variety and amount of temptation of which human ingenuity was capable—temptation which would be irresistible because it would be impossible if they yielded to it to find them out. He admitted to the full the evils of bribery and intimidation—he regretted their prevalence; but he would trust for their suppression to the spread of education amongst the people and the growing influence of public opinion, largely increased as it had been by the extended suffrage which had been recently bestowed upon the people. He was anxious that the franchise freely given should be freely exercised; but he feared that there would be evils in the future even greater than bribery and intimidation—far more dangerous to electoral freedom—and that was an organized system of fraud; and it was because there was that danger, because in the Bill he found everything to favour such a system and nothing to check it, that he most cordially gave his vote against the Bill.

SIR CHARLES W. DILKE: Mr. Speaker—the hon. Baronet, Sir, who has just sat down (Sir Michael Hicks-Beach) has blown both hot and cold with regard to American examples. He began by admitting that America had not a secret Ballot; but he then went on to quote the perversions of the American system as specimens of the state of things which would here be created by the Ballot. America has, like France, a form of voting which is secret only if the voter wishes that it should be secret, and therefore American example is worthless, for it has no bearing on our case. The American Ballot is not necessarily secret, and if it is worth adopting the Ballot here it is worth going further than this, for permissive secrecy gives no sufficient protection against intimidation. I might, Sir, say the same of the remarks of the right hon. Gentleman the Member for Oxford University (Mr. G. Hardy) in reference to Rome. I speak with all deference; but I was always taught to believe that at Rome the voters came to the poll in batches, and when actually in the booth consulted one with the other as to how they should vote, and then cast their votes together. So much for Roman and American examples. Then, Sir, the hon. Gentleman attacked the Government for introducing an inviolably secret Ballot, and for going beyond the Report of the Committee. The Committee did certainly recommend that scrutinies should continue to be possible, but they so tied up and limited the scrutiny as to make it necessary either to adopt the cheque-book plan of the noble Lord the Secretary for Ireland, or the bakehouse plan of my hon. Friend the Member for Huddersfield (Mr. Leatham), or some other intricate contrivance, before a scrutiny could be held at all. But the Government have had a year to reflect, and have naturally asked themselves whether a scrutiny is necessary, and now they offer us an inviolably secret Ballot. As, Sir, in conjunction with my hon. Friend the Member for Cambridge (Mr. R. Torrens) and my hon. and learned Friend the Member for Taunton (Mr. James), I had the honour last year to propose to move in this direction, I, for one, am prepared to defend their step. If any hon. Member should rise in his place and should say that which no one as yet has said in this debate—namely, that he is for the Ballot, but

against abolishing the scrutiny, then I would ask him, what plan he would propose. The gist of the matter is not the chance that the discovery of votes may take place under such a provision, but the danger that the beneficial results expected from the Ballot may not arise from it if the voters think—however foolishly—that a discovery of votes may take place. When, for instance, you make a man vote with cheques out of a cheque-book, numbered on their backs, and having counterfoils numbered on their faces; when the voter has to show the number on the back; when he is told that afterwards the deputy returning officer will have to place the papers on their faces and look only at their backs; but that, on the other hand, the returning officer, when the papers come to him, will have to place them on their backs and look only at their faces; I doubt whether the voter will feel persuaded that there is no danger of secrecy being invaded under such a plan. Besides, even if the voter were inclined to believe in the Ballot at first, he would not be allowed to believe in it long. Those whose interest it might be that he should not believe would soon begin to go about and say, with a wink and a shrug of the shoulders—“Oh yes, of course it’s ‘secret,’ but everybody knows how everybody else votes, all the same.” When the poor voter asked how that could be, the answer—a Quaker’s answer—would of course be the question—“Why did they number your tickets, then?” I doubt whether an intimidated voter would make much of a reply. When we inquire if a scrutiny is really needed, we find at once that the fight is over personation. Hon. Members opposite get up one after another and say that personation would be increased by the Ballot, and the hon. Baronet the Member for East Gloucester (Sir Michael Hicks-Beach) says so, too. Let anyone who thinks so go and talk to an old election agent. They all will tell you the same thing. They will say—“Personation is an imaginary danger.” They say—“It is a House of Commons danger”—not a danger which exists in the constituencies; a danger conjured up for the purpose of debate. Now, the hon. Gentleman opposite—who has conjured it up for the purpose of this particular debate—has quoted American example. I have already said that America has not a secret Ballot. Each State has its own system,

and the systems agree only in this—that not one is absolutely secret. Still, he has referred to American example, and has followed the hon. Member for Cambridge University (Mr. B. Hope) in quoting Mr. Hankel. Now, I do not wish to say anything hard of Mr. Hankel; but those who heard him will bear me out when I say this much—that Mr. Hankel was called to damage the Ballot and succeeded only in damaging himself. He ascribed to the Ballot all the corruption of South Carolina before the War—which is to throw a heavy weight upon its shoulders—and he traced to it in particular the personation that prevailed. He admitted, however, a little later, that the State had no registration system. So much for Mr. Hankel. Now, where can personation largely exist? In small wards or small boroughs the voters are too well known for personation to be attempted; but in big boroughs—to have any effect that is worth plotting for, and worth paying for, and worth running serious risks for—it must be done on a very large scale. It never has been so done. You cannot instance an election in England where the cases of personation were proved to have been more than a very few. Just now I asked, where are you to personate? But I will go on to ask, who you are to personate? Look at the danger of personating a man with several qualifications. Such a man, being rich, is well known, and his class is a very small one, which makes it useless to personate them. Personating a man who is going to vote on the same day in the same ward is very dangerous work indeed. Even if the man is not known to the rate-collector—not known to persons specially selected on account of their knowledge of the ward as agents for the purpose of detecting personation—still there is the risk of the other man being present at the same time. The two risks jointly are enormous. The agents for the detection of personation need not be named till the day of polling, so that for aught that the personator can tell he may find his next-door neighbour there to watch him. It is generally well known in the ward who is absent and who is bed-ridden, and the dead men will be few if you pass our much-needed Registration Bills. In all these cases, too, the risk will be no greater under the Ballot than it is now. The only difference is that you will not be quite so

certain that on petition you will be able correctly to amend the “tally” or return. Of how little moment is this fact, I would ask? For years past there have only been two cases—that of Taunton, and that of Bewdley—where the return was altered, and in those cases the same result would have been brought about under this Bill. Remember that you have one most valuable new power given by this Bill—namely, that of striking off as many votes from the “tally” of a candidate as personated votes are found to have been procured for him. You might go even a step further:—you might say that when personated votes—procured or not procured—are proved to have been given—numerous enough to turn the election if all given one way—that in such cases there should be a fresh election. I have one thing more to say upon this score. Those who are opposed to the abolition of scrutinies, on the ground that you would have an increase of personation, must take care lest we be forced soon to go further than they would like, and prohibit the most fruitful of all causes of personation—namely, the voting of non-resident electors. I dare say that my own case is no unusual one; but everyone knows his own case best. I vote in nine constituencies, returning 20 Members to this House. Many of the elections take place on the same day. See what an opening for personation is thus afforded. I can offer no defence for such a state of things; but it is one which, if we throw out this Bill, we shall very soon be called on to defend. Now, Sir, those who attack the Government for making scrutinies impossible are bound either to produce a plan for combining scrutiny with Ballot, or else to declare against the Ballot altogether. Well, Sir, they have made choice of this last alternative. They have—through the voice of the hon. Member for West Norfolk (Mr. G. Bentinck)—attacked the Ballot upon moral grounds, and attacked it also on the widely different ground that it will not have the good effect that is looked for from its adoption. With the leave of the House, Sir, I would wish for a very few moments to examine both these points, and, in the first place, that of the results of the Ballot. The hon. Member for South-west Lancashire, Sir, has done me the honour to quote my evidence as to the insufficiency of the Ballot to cope with bribery. Well, Sir,

it is true that on this one point of bribery I do hold an opinion at variance with that of many of my Friends. If hon. Members ask in what manner, under the Ballot, bribery can take place, I will beg leave to tell a story. In the days of George II., a great Court lady—whom I will not name, but who had much influence with the King—betted a certain clergyman £5,000 that he would be made a Bishop. He lost, and paid his money—yet did not seem altogether displeased at this transaction. Well, Sir, will not voters bet with “Men in the Moon” about a particular candidate’s return, and will it not then be their interest to vote for the return of that candidate—who will not be sorry to lose his bet, if only he contrives to win his seat? Promises of payment conditional on a candidate’s return amount to the same thing. The common-place answer that people are too shrewd to pay money when they do not know how the bribed man will vote, is worthless as applied to this form of bribery, because by a conditional promise you make it the interest of every voter to whom such a promise is made to vote himself for his briber, and even to procure by similar bribery other voters to vote too. There is but one real answer that can be made—namely, that the facility of detection will be considerable, because conditional bribery must be worked through a man whom the voters can trust. Such a man, no doubt, is hard to find; but I fear that he can be found, and the voters will trust anybody rather than trust nobody at all. I repeat that there is reason to fear that the Ballot will not put down bribery in those small boroughs which already are corrupt; but I shall not have the cheers of hon. Gentlemen opposite when I say that the natural remedy is to do away with the small boroughs themselves. Now, Sir, the question is, whether there are not ample grounds for thinking the Ballot necessary even if it would not put down bribery? There is something that it would suppress—it would suppress intimidation. It has been said that, compared with intimidation, bribery is a small and a decreasing evil. The evidence taken by the Committee shows that this is true. I need not go into the cases. Blackburn alone would be enough; Cheshire is enough; Wales is enough; Ireland is enough. The great danger of intimidation of the Blackburn type is

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that it does not admit of absolute proof. Work is slack; it is impossible to prove that the men discharged have been picked for political purposes. Besides, there is intimidation that is no intimidation. You will find, for instance, in the building trade, that in boroughs where there are sharp contests, nine foremen out of ten will vote the same way as the master, though, probably, not a word has passed between them. You may say that it is the duty of voters to make sacrifices. But they do make sacrifices. If they did not, a good many of my hon. Friends in this part of the House would not be here, and several hon. Gentlemen on that side would not be there, for I do not pretend to say that the intimidation is all on one side. They do make sacrifices; but you have no right to call upon them to make those sacrifices unless stern necessity compels you so to do, and that necessity is wanting here. I think, Sir, that the Ballot will put an end to intimidation, and many hon. Gentlemen opposite, by quoting Mr. Mill, and by taking the moral objection to the Ballot, seem to think so too. Mr. Mill never denied that the Ballot would have this effect, and if hon. Gentlemen think that the Ballot would do no good, why should they resort to the moral argument at all? But, Sir, I cannot help thinking that, on the one hand, the moral argument has not been sufficiently answered in this debate; and that, on the other, it is capable of refutation. The moral objection, Sir, rests upon the notion that the voter is directly responsible to certain other persons, and that this responsibility is a dead letter unless those other persons can test him by his recorded vote. What other persons? There is a good deal in this objection when used by those who are in favour of a restricted franchise. They say, fairly enough, that if there are persons capable of exercising a sound political judgment and a wise political control, who are excluded from the franchise, the voter should be made by publicity responsible to that opinion and judgment and control. But, why exclude these persons from the franchise? On the other hand, the objection is a weak one when made use of against those of us who are in favour of a widely extended franchise. There are many who think that the franchise should be extended to all who are personally capable of forming a political

opinion. Towards whom, then, from this point of view, is the voter's responsibility to exist? There is, however, Sir, a further argument of Mr. Mill's against the Ballot to which I must refer. At the time that Mr. Mill—from having been a friend—became an opponent of the Ballot, he was for a limited franchise; and when he became an advocate for an extended franchise, he ought perhaps, logically, to have returned to his former view. But he was unfortunately tempted to go beyond the argument that I just now stated, and to lay down a general proposition, that even under universal suffrage publicity would still be desirable. He said that, in his opinion, men would not cast their votes as honestly in secret as in public. He put the case of a repudiating State. Almost every voter might see his private interest in repudiation; and whereas in public his vote might be an honest one, in private he might go wrong. There are many answers that may be made. One is, that few scoundrels would be deterred by publicity in a country where the majority of voters were as great scoundrels as themselves. Another is that free institutions could not be maintained at all in a State in which the majority of the voters at the polls were scoundrels such as these. Another is that against a few cases of dishonest secret votes—which if given publicly would be honest—you have to set off many dishonest votes given under publicity, which if given secretly would be honest. This is clearly true when intimidation prevails; but even putting intimidation out of sight, there are dishonest public votes which might be honest private ones. Take, for instance, that of the man who, because his father was a Tory, or who, because his grandfather was a Whig, voted with his family party, well knowing that his honest vote would be given the other way. There is, however, a far more complete answer than any of these to the moral argument against the Ballot. Mr. Mill, when he stated it, admitted that at some times and places the Ballot might be a lesser evil than coercion. I do not know, indeed, how the contrary opinion could be maintained. On any other supposition you might have an Elective Chamber, which would represent the opinion of a small minority of the people. You might have laws passed by that Chamber in defiance of the wishes of the great ma-

jority. But, if you make this supposition—if you admit that at some times and places the Ballot might be the lesser evil, then, I would ask, is not this country one of those places, and one of those times the present? To what, after all, amounts the moral objection? The Committee expressed it thus. They said that those who hold it believe “that the act of voting is a public duty, and should involve a public responsibility.” We accept that definition; we admit that it is a public duty; and we admit that it should involve a public responsibility. But, it is because we admit this responsibility, that we argue that you should above all take care that the public receives the true opinion of each voter, and not a repetition by that voter of the opinion of some one else. There are many of us who, although we sit upon these benches, hardly look upon the Ballot as a measure to protect the poor and dependent voter in the exercise of a right. We look rather at it as a measure to secure the proper fulfilment by the voter of a duty towards the State. It is admitted that at present intimidation often prevents the voter from performing the duty that is thrown upon him by the State. If so, you are bound to see that he is put in a position which will enable him to perform that duty by giving his suffrage for the man who, in his honest opinion, is the most fit to compass the good of the whole land.

MR. HERMON said, he was not in the House when the hon. and learned Member for Taunton (Mr. James) spoke the other evening in the course of this debate, and he had been somewhat astonished since at hearing one of the statements made by that hon. and learned Gentleman. The hon. and learned Gentleman referred to the Conservative Members for Staleybridge, Ashton-under-Lyne, Stockport, and Preston, as all having changed their opinions and become converts to the Ballot. The hon. Members for Staleybridge, Ashton-under-Lyne, and Stockport were not converts, for they all came into Parliament in favour of the Ballot, and, therefore, there was no change of opinion, and as for himself (Mr. Hermon) the representative of Preston referred to by the hon. and learned Gentleman, he had never been in favour of the Ballot, and he still remained opposed to it. He was astonished to read the following

passage in the report of the speech of the hon. and learned Member for Taunton—

"No hon. Member could be unseated unless either he himself or his agents had been guilty of undue influence. But the offence was never committed by a Member or his agent, but by employers of labour interested in the candidate's success or defeat."

On the part of the employers of labour, he indignantly denied the correctness of that assertion. If the hon. and learned Member were practically acquainted with the character of the Lancashire operatives, he would never have put such a stigma upon them. Members did not come to the House exactly in the character of delegates, bound by every expression which might have fallen from them at the hustings; but for himself he could say that if he should change his mind on any vital point, he would at once resign his seat, and ask his constituents to elect some one who would represent their opinions more correctly. In his case there had been no change of opinion; but perhaps the hon. Member for Huddersfield (Mr. Leatham) had misinterpreted what he said last year when the hon. Member proposed to take a division on a Motion for Adjournment as a division upon the Main Question, and he protested against that, stating that he should vote simply on the Adjournment, without committing himself on the Main Question. As to the general question of the Ballot, he believed that the people generally were not in favour of this measure. He found that out of a population of over 30,000,000 people there had been presented in favour of this Bill only 40 Petitions, to which were attached 7,500 signatures, and he maintained that there would have been fifty times that number if the country had been in earnest about the matter. It was singular that while the competition for admission to the Strangers' Gallery of the House often necessitated the use of the Ballot, there was no necessity to resort to it on the night this Bill was introduced. He objected to certain details of the Bill. For instance he objected to ten voters nominating a candidate, which was equivalent to singling out ten men as the only men who should declare their votes. He objected to secret voting because it was at variance with open speaking and public discussion; it would interfere greatly with the social advantages which were

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derivable from both Liberal and Conservative clubs as scattered up and down the country; and it would in time become a crime for one man to declare that he read *The Standard*, or for another to avow his preference for *The Telegraph*. The voters would never feel sure under the Ballot that their votes were duly recorded, and the unsuccessful candidates would never feel quite certain that they had received fair play. These were some of the serious evils in the Ballot which induced him to oppose it.

Mr. BOWRING said, that on behalf of the important constituency which he had the honour to represent, he begged to offer to Her Majesty's Government his best thanks for the excellent and comprehensive Bill now under consideration. Since its introduction he, in conjunction with his hon. and learned Friend and Colleague the Solicitor General, had been taking what an hon. Friend of his below the gangway so poetically called a "bath of liberty" with his constituents, and he could assure the House that it afforded them much satisfaction that their Members had so good a towel as this Ballot Bill to dry themselves with, after performing their ablutions. He had subsequently passed his Easter holidays amongst them, and almost the universal question asked him by those whom he met was whether the Government were really in earnest in their intention to carry the Bill this year. In fact, so great was the interest which the City of Exeter had always taken in the question, so great was its anxiety to be insulted, as the hon. Member for South Northumberland (Mr. Liddell) informed the House that it was by this Bill, that he believed that if Parliament in its wisdom should determine that before the Ballot was adopted universally it should be tried experimentally in certain districts, or even in one single place, it would only be too happy to offer itself for the purpose of having performed upon it the *experimentum in corpore*—he would not say *vili* in the case of so ancient and distinguished a city, but *nobili*. On the occasion of the introduction of this Bill, the hon. Member for West Norfolk (Mr. G. Bentinck) stated his opinion that if the decision of the House upon the subject of the Ballot were taken by Ballot, a large majority would be recorded against the measure. Although he de-

nied altogether the accuracy of this opinion, he must say that if it was accurate it offered the strongest argument which he had yet heard in favour of the Bill; for what was it but saying in other words that they, the Members of the Liberal majority, and those hon. Gentlemen opposite who, though not in very large, yet in increasing numbers, were prepared to support the Ballot, did so, not because they were in their hearts and consciences convinced that it was a just and proper measure, but because they were compelled so to vote by the pressure of the constituencies behind their backs. Now, if ever there was a question which was a constituencies' question as distinguished from a representatives' question, a question in respect of which the constituencies had a right, he would not say to dictate to, but to enforce and enjoin upon their representatives in the strongest possible manner their own opinions, it was this very question of the Ballot, for it was not a question as to how they, Members of Parliament, should record their votes in that House—for they were one and all agreed that it would be on all grounds highly improper and impolitic for them so to vote—but it was a question as to the manner in which, and the machinery by which, the electors of the country should take advantage of that great privilege which the Constitution had conferred upon them. And one reason why he especially supported at any rate the experiment of the Ballot, was that it was essentially a question of machinery, and one not involving any vital constitutional principle whatsoever. He also supported it because it was an experiment from which we could at any time retrace our steps if it were proved to be unsuccessful, and return to the present system of open voting. It was not like those great political measures from which, when once taken, there was no possibility of retreat. It was not, for instance, like that famous and fatal "leap in the dark" which hon. Gentlemen opposite took four years ago on the subject of Reform, at the bidding of their Leaders, which was avowedly intended to "dish the Whigs," and had only succeeded in "dishing" themselves, and which had landed them maimed, mutilated, and bleeding upon the opposite benches, from whence he saw but little chance of their being able to leap back

again to the enjoyment of the fleshpots of Egypt, or the comfortable repose and luxurious ease of the front bench below him, upon which the Member for West Norfolk some time ago descanted so pathetically, with trembling voice and streaming eyes. They had been often told in this debate that the Ballot was a failure in America, and that therefore it ought not to be adopted in this country. His answer to that was that there were Ballots and Ballots, and that it by no means followed that because the Ballot was a failure in the United States—if, indeed, it were so—the entirely different system of secret voting proposed in the present Bill would be a failure in the United Kingdom. At any rate, he could point to the entire success which attended it in the Australian colonies, as shown by the remarkable paper which he held in his hand, where the five Governors of those colonies (three of whom—Lord Canterbury, Sir James Fergusson, and Governor Du Cane—had been distinguished Conservative Members of that House) had given such conclusive testimony on the subject, and he was not surprised that hon. Gentlemen opposite had dealt so "gingerly" with that document. He would also point to the successful working of the Ballot in almost every civilized country. Why in France, even in the darkest days of Imperialism and Ministerial control, no Government ever succeeded in ascertaining how any individual elector voted. Evidence on this point would be found in Mr. Berkeley's speech on the Ballot in 1866. But not to go out of this country for examples, he would point to the success which had attended the test Ballots in Manchester and Bristol in 1869, and the still more recent case of the Metropolitan School Board elections; and he must say that, considering the highly Conservative result of those elections, he was astonished that hon. Gentlemen opposite did not pluck up their courage and make up their minds to swallow not only without repugnance, but with real avidity, the delicious portion which was offered to them in the shape of the present Bill. As to the effect of the Ballot in checking intimidation, it seemed to him that the question scarcely admitted even of argument, and in fact all the hon. Gentlemen opposite who had spoken gave up the point, and the reports from the Austra-

lian colonies confirmed the fact. It was true that the election Judges had informed the late Committee that hardly any cases of intimidation had been proved before them. He should, indeed, have been surprised if it had been otherwise. Intimidation was precisely one of those offences of which it was almost impossible to obtain legal proof, owing to the subtle form which it usually assumed. He would mention a case within his own knowledge, in which a Member of that House was concerned, whose authority he had for mentioning it. There was a town in this country where there was a large railway locomotive establishment. Most of the men in that establishment were Liberals, and had promised their votes to the Liberal candidate at the last election. The head of the railway staff, who resided 150 miles from the place, was a strong Conservative. A few days before the election he sent down an emissary, who told the men that the Tory candidate was a great friend of his, and that he was very anxious for his success. A few minutes afterwards the emissary said incidentally to the men, when going round the yard, that the directors had resolved on a reduction in the staff, though he did not know the exact extent—a statement, bye-the-bye, without foundation. The men put these two remarks together, formed their own conclusions, and many of them, for fear of losing their places, broke their promises and voted for the Tory, happily without procuring his return. Now, this was just one of those cases of subtle and undefined intimidation which the Ballot would effectually cure, but which no law could possibly reach, although it was quite as effectual—if not more effectual—for its purpose, as the grossest and most direct intimidation. With regard to bribery, assuming that the Ballot would not entirely cure it, it would at any rate make it more difficult and more uncertain. The briber would have to bribe for the “double event” of the elector voting for his candidate, and for that candidate being successful, and the price of votes would accordingly rise in the market. And it would be found in many cases that the bribable voter, who had often a political conscience and real political opinions, would vote for the candidate whom he approved, and trust to the chapter of accidents that the candidate on the

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other side, on whose behalf he was to be bribed, would be elected, and he himself consequently receive the bribe offered conditionally on that event. The Governors of South Australia, Tasmania, and Queensland, had all reported that the Ballot had greatly checked bribery, and it was obvious that it would at any rate put an entire end to the description of bribery known as “afternoon” or “3 o'clock bribery.” He (Mr. Bowring) quoted the case of Sir George Jenkinson, the defeated Conservative candidate for Nottingham in 1866, who, in his farewell address, said—

“That if the Ballot would prevent” (as it obviously would) “such wholesale purchase of votes as took place between 2 and 4 o'clock, he for one would vote for that measure, for no evil could equal the one of wholesale and open venality.”

That hon. Baronet had now been promoted to the rank of a Tory County Member, but he felt justified, after reading that extract, in challenging him to accompany him into the lobby on that occasion. He would admit that he had no abstract predilection for the Ballot, but he supported it because of the far greater evils which, even if it were itself an evil, it would cure. This was a case in which one ounce of practical experience was worth whole tons of theoretical argument, and on that ground he did not attach the weight which he otherwise should do to the well-known opinions of Mr. John Stuart Mill and the Rev. Sydney Smith, nor would he quote against them the equally great authority of Mr. Grote—whose death at the moment when the principle for which he contended was about to triumph, the country had such reason to deplore—or even seek to invoke the ghost of the late Mr. Henry Berkeley. As to Mr. Mill, he was not aware whether the result of the last Westminster election had had any effect in altering his opinion against the Ballot; but if not, all he could say was that it ought to have had that effect. With respect to the witty Canon of St. Paul's, no one admired more than he did the humour of his treatise on the Ballot, and yet at the very moment when he wrote it he found him addressing one of his fair correspondents in the following words—“I have written a pamphlet against the Ballot, very clever of course; but the Ballot will come, write I never so wisely.” In this, as in so many other matters, the

Rev. Sydney Smith showed himself a true prophet. He might now, perhaps, be allowed to contribute his own ounce of practical experience in the matter. When he was invited to contest the representation of Exeter, he knew that he had what President Lincoln called a "big job" before him; he had to endeavour to win for his party a seat which had been in the undisturbed possession of the opposite side for generations, and he had to oppose a leading and popular Member of the then Government in the person of its Attorney General. He therefore determined to institute an exhaustive personal canvass of the whole constituency of 5,000. He did not employ a single paid agent, and even his own professional agent refused to accept any remuneration for his services. He held his own canvassing books, and entered no elector as intending to vote for him, unless he gave him a positive promise to that effect, confirmed by shaking hands, not only with the voter, but with the voter's wife. He might mention, however, that he did not feel it necessary to kiss all the babies. Those electors who refused to pledge themselves, or who gave doubtful or hesitating answers, were entered by him as intending to vote against him. The result of his canvass was that he found a majority of nearly 700 pledged in his favour. When the day of polling arrived, however, that majority was broken down to 29, while 91 per cent of the whole constituency voted. The number of broken promises amounted to between 300 and 400. The subsequent publication of the poll-book had enabled him to ascertain who the voters were who had thus broken their pledges, and he was able to state positively that nearly the whole of them consisted of those poorer classes who were unable to resist the influences brought to bear upon them, and to which the Ballot would apply an effectual remedy. He had since conversed with many of those voters, who bitterly expressed their regret at the cruel necessity which had compelled them thus not only to break their promises, but to vote against their real convictions, constituting two distinct offences against morality. If the Ballot were adopted, a man might indeed still break his promise, but he need no longer vote against his conscience, and even from this low point of view there would

in future in his case be only one offence against morality instead of two. And he had always contended that it was far better in the interests of the public at large that a voter should break his promise and vote according to his conscience than that he should keep his promise and vote against his conscience—lamentable as are both alternatives. It was true that if the Bill passed, we should no longer know how individuals voted, unless they chose to make their votes public; but we should know accurately what was much more important—namely, the real verdict of every constituency as a whole, and what was more important still, the verdict of the country at large. It seemed to him that the time was extremely opportune for passing the Bill, because there was no immediate prospect of a General Election. But municipal elections took place every year, as well as 20 or 30 bye-Parliamentary elections, and it was very desirable to try the Ballot in these cases, so as to get the machinery in good working order, and amend it, if necessary, before the next General Election. He would not contend that the case of balloting at the clubs offered any real analogy to the Ballot now proposed; but the club Ballots showed that when the upper classes desired secrecy for their own purposes they did not scruple to employ it, and certainly the secrecy of the Ballot at the clubs was impenetrable. He had never been even asked how he had voted at the elections at the clubs to which he himself belonged. He considered the present Bill to be an improvement over that of last year, because it included the case of municipal elections; it relieved candidates from the legal and hustings expenses, and, most of all, it provided for absolute secrecy. On the other hand, it seemed to him to require amending in various particulars, and he had placed certain Amendments on the Paper to carry out his views; but so great was his anxiety to see the measure passed, that if his Amendments were likely to cause delay or to lead to any discussion, he should at once withdraw them; and he strongly appealed to those friends of his who had also prepared Amendments to adopt a similar course. After pointing out that under this Bill the election Judges appointed in 1868, with salaries of £15,000 a-year, would find their occupation, like Othello's,

gone, and urging the Government to utilize their services in some other manner, the hon. Gentleman said that he did not care to inquire what might be the political results of the adoption of vote by Ballot. It was possible—many persons thought it more than probable—that they would be very different from those anticipated by the particular political party which had hitherto furnished the main body of the supporters of secret voting. All he desired was that the electors of this country might henceforward be enabled to record their votes without fear or favour, and without the slightest admixture of any improper influence whatever. Speaking for himself personally, he could with truth assert that if the result of the adoption of secret voting should be to prove that he was mistaken in the strong opinion which he at present entertained that the political principles which he was proud to profess were in entire accordance with those of the vast majority, not only of the population—for of that he had no doubt—but of the electors, of the ancient city which he had the honour to represent, most cheerfully should he submit to any decision adverse to himself thus arrived at, as he should be aware that for the first time for many a long year—aye, for generations—that decision would have been arrived at without bias, fairly, freely, honestly. In his own name, and in that of his constituents, he begged to give his hearty support to the Motion that Mr. Speaker do now leave the Chair.

SIR FREDERICK W. HEYGATE said, he wished, having been one of the Members of the Committee appointed to inquire into the Ballot, to make some observations, though he felt the question had been so fully argued on that side of the House that he should be content to have remained silent were it not for the remarks of the noble Lord the Chief Secretary for Ireland in regard to the Irish elections. He wished at once to state that notwithstanding that he held clearly defined opinions, he entered on the Committee determined to vote according to the evidence, a remark which it was the more important to make, because one or two of the strongest contested clauses of the Report of the Committee were carried only by a majority of 1, he himself being prevented from being present by indisposition. It

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seemed to him and to many other members of that Committee that nearly all the faults which were alleged against the present mode of conducting elections were susceptible of being cured by simple remedies other than the Ballot. The first remedy that had been proposed was that of the votes being given by voting papers. To an extent, however, it might be admitted that this proposal was objectionable. The second remedy was that of closing publichouses during the poll; the third, the abolition of nominations; the fourth, the non-publication of the numbers during the poll; and the fifth—the most important of all—an increase in the number of polling-places. All or any of these remedies might be adopted independently of the Ballot. The non-publication of the poll would prevent what was called “3 o’clock” bribery. With regard to the fifth mode, he knew counties in England where, when there were only three or four polling-places, much confusion existed, but where since the magistrates added largely to their numbers everything went on quietly. Sir George Lewis, in pronouncing his condemnation of the Ballot, had stated his belief that it would by no means secure secrecy of voting, because the political views of most persons were well known by those around them, and it was scarcely to be conceived that a man would pretend to hold opinions other than his own for the mere purpose of preventing his neighbours from knowing which way he voted under the Ballot. In the case of Ireland, the political opinions of a man were almost a part of his faith, and it was perfectly well known which way a man would vote before he went to the poll. A great deal of evidence had been given before the Committee with reference to the conduct of Irish elections, and no person felt more deeply than he did the scandal resulting from large bodies of troops and police being present during the elections. But the Ballot would not put a stop to that, for it was proved before the Committee that the troops were necessary to enable the people to come to the polling-place, and they would still be necessary if the Ballot was brought into existence. Lord Strathnairn stated that the people would not have been allowed to come to the poll in the Sligo election, as the supporters of the Liberal candidates would prevent them, unless the troops

were there. This the Ballot would not prevent. The only way of doing it was to increase the number of polling-places. He must remind the House that when Lord Mayo proposed to increase the number of polling-places in Ireland two years ago, hon. and right hon. Gentlemen opposite had objected to the adoption of such a course. He hoped that, whether the Ballot were adopted or not, Her Majesty's Government, would, at all events, take care that the number of polling-places should be increased. In reference to the manner in which the observations of the hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) with regard to the Irish Church Act had been misrepresented, he wished to explain that all the hon. and learned Member had said was that it would be as well to make the best of that measure now it had become law. The noble Lord the Chief Secretary for Ireland appeared to think very lightly of the possible entrance of 80 or 90 Irish Nationalists into that House; but if such a body were once to be admitted, he must ask the question put by the Duke of Wellington—"How can the Queen's Government be carried on?" And he thought it would be a very difficult one for the Government to answer. He should be the last to wish that the Irish voters should be influenced in an unfair manner; but if the legitimate influence of the landlord and of the clergy, which represented education and property, was to be altogether withdrawn, the ignorant electors would be guided solely by an unscrupulous Press, such as existed in some parts of that country, and such as the noble Lord had found it necessary to place restrictions upon. He believed the fear of such a large number of Nationalists entering that House was premature. He did not think there would be anything like that number. It was more probable that there would be 50 or 60 Irish Members on one side and 40 or 50 on the other, and then the Representatives of Ireland would be so equally divided that they would practically have little or no influence at all on the Government of the Empire. What, he asked, was a Nationalist? It seemed to him that he was a man who had not thought over what was likely to be the result of his views and opinions, because if he had done so he would see how im-

practicable and impossible they were. The people of Ulster, he believed, would not go in for Nationalist principles, because one of the objects of the Nationalists was to have denominational education. He did not think the Ballot ought to be looked upon as a political question; but he could not see that it was at all necessary for curing the evils which undoubtedly existed to some extent in connection with elections, and which he believed could all be cured without it. After being condemned as it had been by Lord Palmerston, Lord Russell, Sir George Lewis, and other high authorities, it was astonishing that the Ballot should now be taken up as a Cabinet question. He could only account for the conviction now entertained by many on that subject in three ways. In the first place, many persons on reading the accounts of the bribery, intimidation, and other evils attending elections were so impatient that, although those evils were now gradually decreasing, they flew to the Ballot as a means of extirpating them. In the next place, some men accepted the Ballot because they thought it would help, or at least would not hurt, their party; and lastly, some advocated it because it would settle the question. Now, he maintained that that was not a question which pressed or was one of any very great interest, and the idea of adopting a thing that was wrong because they thought they would settle the question by it was most absurd. In conclusion, he hoped the House and the country would pause long before assenting to that measure, which would be very difficult to work, and was utterly at variance with the whole spirit of our free institutions.

SIR HEDWORTH WILLIAMSON admitted that he was a comparatively recent convert to the Ballot; but experience had convinced him that it was necessary if the present enormous election expenses were to be reduced, and for that reason he should vote for the Bill. In his own case his election expenses were £700 in 1864, when there was no contest. In 1865 his and his Colleague's expenses were £6,000; and his opponents' were £6,000, besides £2,500 that was disallowed. Three years afterwards he had another contested election, and his and his Colleague's expenses were £12,000, and

his opponents' were £15,300. In all the above cases he had quoted only the published expenses, and he need not say that the actual cost was never less than the published returns; and he unhesitatingly declared, in answer to the challenge of the hon. and learned Member for South-west Lancashire (Mr. A. Cross), that he believed the money was fairly spent. The major part of the money went in canvassing, and as long as that practice was allowed large expenditure would be common, and the doors of the House would be shut to comparatively poor people. Even in the recent short contest for Durham the expenses of the successful candidate were published at £1,200, and of the unsuccessful one at £600. He believed that the Ballot would considerably reduce those expenses, and he should therefore support the Bill.

MR. DIMSDALE said, that it would no doubt be found, as had been anticipated, that on the division on this question many hon. Gentlemen on both sides would be found in the same lobby with those from whom they ordinarily differed. He protested against any attempt being made to bribe Members on that side of the House by the statement that the Ballot would not be dangerous to Conservative interests, because the Conservatives had never based their opposition to it on the narrow ground that it might turn to the advantage or disadvantage of a political party. They opposed it because they objected to its essential principle, because it removed the voter from those influences of publicity to which he ought to be subject, because it shrouded in mystery the most solemn act which as a citizen he could be called upon to discharge. The argument that the suffrage was a trust was rather an artificial one, something like the social compact; it did not seem to come home to us. But he agreed entirely with Mr. Mill that the duty of voting should be performed under the eye and criticism of the public, not because the suffrage was a trust which the voter held on behalf of the non-elect, but because, being a public act, he was bound to perform it for the good of the community, and in the full view of the community. It was said that the arguments used in support of the Ballot outside the House did not justify its adoption in the House. But if

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the object of the Ballot was to free the voter from the pressure of external influences, would not the Home Secretary have been very glad to submit his Licensing Bill to Members who were free from the influences brought to bear upon them by the temperance societies on the one hand and by licensed victuallers on the other? Some persons might say that if votes had been given by Ballot in the House of Commons, the decision on the Reform Bill of 1867 and upon the Irish Church Bill might have been different. At all events, taking one of the points which had arisen incidentally out of the Irish Church question, he thought it could not be doubted that if the vote of hon. Members had been taken according to their real convictions, concurrent endowment would have been passed by large majorities. Three evils beset our electoral system—treating, bribery, and intimidation. Now, the Ballot could not possibly prevent treating, which was expected to exert nothing more than a general influence in favour of candidates. It could only prevent a corrupt bargain directly made between the candidate and the voter. Clause 27 of the Bill, forbidding committee meetings in public-houses, would do something to put down treating. As to bribery, he might remind the House that Lord Macaulay did not agree with Mr. Grote on the effect of the Ballot, which he considered rather as a remedy for intimidation. The effect of the Ballot would be to change the character of bribery rather than to diminish it; the constituency would be gained over in the mass instead of in detail. That was very much the tendency of the evidence given by the hon. Baronet (Sir Charles Dilke), and it was borne out by the testimony of the late Mr. Coppock, who had large experience of elections, and who said that as candidates were now found willing to give £3,000 or £4,000 upon the chance of their return, they would be willing to give £5,000, £6,000, or £7,000 when it could be made a certainty, the money not being paid till the seat was secured. In his opinion the real source of bribery was political apathy. People who did not care on which side they voted, would vote either for the candidate who paid them best, or in accordance with the wishes of their masters or landlords. On the contrary, if they had

strong political convictions they would vote accordingly. The Rev. Mr. Jones, a Dissenting minister in Monmouthshire, gave evidence that in 1858-9 there had been a great majority for the Tory candidate; but at the last election the Tory candidate never even went to the poll. This showed that in mere questions between the "ins" and the "outs" the people took very little interest; but when a question such as that relating to the Irish Church was raised, the strong anti-endowment feeling of the people was stirred, and they acted upon their convictions. Many Members were disposed to take a very loose view of this question of the Ballot, and to say that if it were carried things would go on very much as they did at present. But Gentlemen who believed that they could evade responsibility by such a line of conduct were very much mistaken, for measures once passed by the House were attended with results which could never have been anticipated. When the Reform Bill was under consideration in 1867, very much the same kind of language was used as that now employed in speaking of the Ballot; but since that time the Church Establishment in Ireland had been destroyed, and principles had been laid down which, if pushed to their legitimate results, would destroy every religious Establishment in this country; and the principles of land-tenure in Ireland had, moreover, been revolutionized in a manner which might one day re-act upon this country. Lastly, a measure of education had been passed which—he said it to the credit of the householders' Parliament—would not have been passed, he believed, by any previous Parliament. Anyone comparing the present Parliament with that of 1869 must see how wide the difference was; yet the change which had occurred would be as nothing compared to that which must occur if the Ballot were to be adopted. The experiment had never yet been tried of conducting an election in which, as Lord Macaulay put it, there would be no influence, legitimate or illegitimate. In quiet times, political tendencies under the Ballot would drive hither and thither; but in times of passion decisions would certainly be arrived at which nobody could look forward to with pleasure. Having quoted a passage from the writings of Mr. Mill to the effect that 30 years ago the Ballot might

have guarded the voter against evils then threatening him, while the greatest evil now to be guarded against was the selfishness of the voter himself, the hon. Member invited the House to forecast to some extent the future, and see what would be the probable result of the Ballot. Under it, in the first place, no adequate security was provided against the evils of personation. Twelve months ago both the noble Lord the Chief Secretary for Ireland and the hon. Member for Huddersfield (Mr. Leatham) proposed measures having for their object to guard against personation; but for some reason, which had not been sufficiently explained, those securities had dropped out of sight. The correspondence relative to the Australian colonies showed that under the Ballot system personation was a thing of frequent occurrence, and in proof of this assertion the hon. Member read passages from the communications of Lord Belmore and Governor Du Cane. He admitted the force of the argument made use of by the Vice President of the Council, that the time to detect personation was before the voter gave his vote. But if this were so, it became clearly indispensable that by the multiplication of polling-places facilities should be granted for detecting fraudulent voters. Having represented a small borough for some years he knew the practical impossibility in such places of polling fictitious votes; and there was this additional consideration in favour of establishing numerous and localized polling-booths, that these would render unnecessary the payments for conveyance of voters to the poll, always a fertile source of corruption. It was plain, upon the evidence, that the Ballot in Ireland, while it would diminish legitimate influence, would not diminish illegitimate influence. Mr. Norwood, one of the witnesses, declared that, from the unbounded influence which Roman Catholic clergymen exercised over their flocks, if they were to ask a man how he had voted he would immediately declare what he had done. The Ballot, therefore, while it would secure freedom against the landlord, as against the priest, would not be secret voting. Having accordingly swept away the influence of the Protestant clergyman and the landlord in Ireland by this Bill, the people would now be handed over to the dominance of a religious caste. Ten thousand times

greater evils were to be expected from the establishment of such a system than from any evils which bribery or intimidation could produce. The Ballot, again, would enormously increase the influence of the various small but active political sections of the community, which our great party organizations had hitherto controlled and kept in check. It would be found impossible in practice to return from one constituency two, three, or four representatives possessing similar views; for the elections would be at haphazard, and each political section would concentrate all its strength upon the particular candidate favoured by it. The late Mr. Cobden had been of the same opinion, and plainly declared that the adoption of the Ballot would lead to the splitting up of constituencies into wards, each returning but a single Member. The Bill contained valuable provisions, not connected with the Ballot, that would tend to diminish bribery and corruption, and he thought it but fair to express plainly his approval of those parts of the measure. For instance, the abolition of public nomination would be a great boon. Everyone knew the candidates a long time before the nomination. Nomination, as now carried on, was a useless form, and productive of great expense. The nomination day was an idle day, and after the nomination the electors did not know what to do with themselves. They were brought to the hustings at the expense of the candidates to swell the majority, and he thanked the Government for having introduced the abolition of the nominations in public into their Bill. When the proper time arrived he should state his objections to the system of paid canvassers, and he believed that if the hon. Baronet the Member for Chelsea (Sir Charles Dilke) persevered in his Amendment he would receive support from many independent Members who sat on the Opposition side of the House. In his opinion, the Ballot was a superstition of Liberalism. In 1848, when the middle classes rallied round the Monarchical institutions of the country, Mr. Hume introduced what he called the Lesser Charter, two articles of which had been already enrolled in the Statute Book—namely, the abolition of the property qualification and household suffrage. Mr. Cobden said the Ballot and triennial Parliaments would be immediately carried. But who

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wanted triennial Parliaments? Who was there who would not regard triennial Parliaments as an intolerable evil? He regarded the Ballot in the same light. If this Bill were so extended as to include in its operation the proceedings within the House itself, hon. Gentlemen opposite who now intended to vote in its favour would decline to do so—a fact which exhibited, in marked contrast, their Parliamentary opinions and their real convictions. He sincerely trusted that the House would consign to oblivion this superstition of Liberalism.

MR. O'CONOR, as an Irish Member, wished to treat the subject from an Irish point of view. The Committee on Parliamentary Elections reported that under the present system there existed in many Irish boroughs and counties no such thing as freedom of election. In that opinion he entirely concurred, and therefore he should cordially support the measure now under discussion. He had no wish to curtail the legitimate influence of the landlord; but this would continue after the operation of the Ballot, which would only operate to destroy for ever the influence that was illegitimate. In the case of the Sligo election he had stumbled on a tenant who had produced to him a letter by his landlord which was produced in Committee, to the effect—"I shall carefully watch how every tenant votes, and it will greatly influence me in all future transactions with him." After that would any gentleman tell him that that was not landlord intimidation? The very character of landlord intimidation was such that it was impossible to prove it in a court of law. The hon. and learned Member for Dublin University (Mr. Plunket) said there could not be intimidation now since the Land Bill was passed. But notwithstanding the Land Bill there was still one form of intimidation which it did not touch. The Land Bill did not cover cases of eviction for non-payment of rent. Now, as the custom in Ireland was for half-a-year's rent, or hanging gale, to be always in arrear, when a tenant who had not voted with his landlord went up with his half-year's rent, never expecting to be called on for the remaining half-year's, he could be met by the landlord turning round and demanding payment for the whole year, and the tenant must either pay or the landlord would evict him. They had, therefore, to pause before

coming to the conclusion that the Land Bill was a perfect remedy for landlord intimidation. As to mob intimidation, a great deal of that had sprung up with the consent of the tenants themselves, and it was not uncommon for people to go about the country at night, and take tenants out of their beds and give them a friendly shaking that they might be able to go to their landlords next day and say they had been threatened. At the last Sligo election, at the request of a person in the county, 20 companies of military and 1,120 constabulary were employed, not in escorting voters who wished to be escorted, but in carrying off voters about a week previous to the polling, in order that they might be locked up in houses where no one without the permission of the landlord could see them. On the day of polling they were brought up to the poll, with the landlord on one side and the agent on the other. That was nothing new in Ireland. That was done in the name of the freedom of election—because we were so manly that we could not tolerate secret voting. The present system caused disaffection to the Government. The people believed they were bound to go with the Army. It had been objected that the Ballot would leave spiritual intimidation untouched; but no system of voting, whether secret or open, could affect in the slightest degree the influence which the opinion of the priests exercised on the minds of the voters who asked them to advise how they should vote. The hon. and learned Member for Dublin University had said that if this Bill passed there would be 60, 70, or even 90 Nationalists returned from Ireland to that House. Now, if those who wanted “home rule” formed a majority of the electors of Ireland, no doubt a large number of Nationalists would come to that House, whether there was secret voting or not. The only difference would be that with secret voting they would be returned in a peaceable and orderly manner; with open voting, amid scenes of disorder, confusion, and riot. On the other hand, if those in favour of “home rule” were but a minority of the electors of Ireland, then the best protection against the secret societies would be the Ballot, for wherever secret societies existed, though the members were few in number, they were able to influence the bulk of the electors, who were afraid to

go openly against them. If Parliament wanted to compete with the secret societies in Ireland, the only way to do it was by the secret vote.

MR. GRAVES said, that the hon. Gentleman who had just sat down had painted a very sad picture of political life in Ireland. He had told the House that what with the landlord on the one side and the mob on the other, the voter was totally unable to exercise his right of voting freely. It was to be regretted, however, that the hon. Member had not continued his argument, and shown in what way secret voting was to alter this state of things. Considering that they were now drawing to the close of a Session not very conspicuous for practical legislation—in point of fact, a Session notorious for barren results—it was to be regretted that the short time left at the disposal of the House should be taken up by the discussion of a measure which could not be considered pressing, and which, if it had its proper title, should be called “A Bill for enabling the people of this free country to conceal their political opinions.” He had generally understood that a Government, in bringing forward important measures, and in the preference which it gave to those measures, would consult, to some extent, the requirements of the country, and allow some pressure from without to be brought to bear before proceeding to make a fundamental change in one of the great institutions of the country. If there had been any pressure it certainly had not come from without. It might have been within the Cabinet; but no one could say that the public Press had goaded on the Government, nor had Members any intimation through the usual channels that the country demanded this measure. The Petitions presented in its favour had been very few, and he was not at all satisfied that the Government were justified by any public demand for this Bill in casting aside or throwing overboard measures of the greatest importance to the social welfare and the commercial interests of the country. He referred to two measures, the one connected with the sale of intoxicating drinks, which, without even testing the opinion of the House, the Government had deliberately thrown aside, and that in the face of pressure from without such as we have rarely known; and the other a measure dealing with the shipping interest, for

which the country had been pleading for years. Three Bills in succession had been introduced on that subject, but only to be subject to the announcement from the Government that they must pass over to another Session. These were measures which might fairly have taken precedence of this question. ["No, no!"] He could not expect that all hon. Members should assent; but some at least agreed with him that the selection of this measure at the close of the Session was ill-timed, and as such was not satisfactory to the country, though it might be to the majority of the Members of that House. In taking exception to the Bill on the ground that there was no pressure from without, and that the country viewed it with indifference and apathy, he would be met by the argument that for 30 years this question had been before the House, and had been discussed year after year. But hon. Members who had more experience of the House than himself would remember that for a long time its discussion was regarded as a source of amusement; and that it was not until Her Majesty's Government took it up, bare and worn-out as the question was, that it acquired anything like solidity, and that the country really felt that Parliament was called upon to make a great and fundamental change in our institutions. If there was one thing more than another which was admitted in the course of the debate, and which a large amount of confirmatory evidence had established, it was that there had been a great improvement in the manner of exercising the franchise, and that year by year, owing to the growth of public opinion, to a better tone in regard to our moral and political obligations, and possibly also to recent legislation, elections in this country had become more and more pure. He would admit that there were, unfortunately, exceptions. We had 2,000,000 of voters, and probably 1 per cent of the number was corrupt. He felt, therefore, he was justified in saying that exceptions of that kind were not of sufficiently grave a character to hang a strong argument upon in favour of an entire and complete subversion of our elective system. The exceptions were confined very much to our smaller constituencies; but he would appeal to hon. Members to say whether those constituencies were not gradually im-

proving and following the example of the larger towns, which were comparatively free from impurity? He would ask the Government to place a little more faith in our recent legislation and the improved tone of those whom he must call the corruptors of public morality; above all, to place more faith in the people, and to give more time for the spread of the improvement to which he alluded. To quote his own experience, he might mention that the town with which he was connected numbered some 500,000 inhabitants; that the number of voters was some 40,000; and that at the last election some 33,000 or 34,000 of that number exercised the right of voting between the hours of 8 in the morning and 4 in the afternoon. The contest on the occasion was an unusually severe one, because, unhappily, sectarian prejudice was mixed up with political feeling; but it was remarkable that, nevertheless, scarcely an angry word was heard to have been uttered during the day, that the most perfect order and freedom prevailed at the polling-booths, and, stranger than all, that scarcely an intoxicated man had been seen in the streets that evening. Lest he should be accused of exaggeration, he had taken the precaution to ascertain whether his impressions were correct, and he had obtained a return from the head constable of Liverpool, which showed that the number of persons who had been booked as drunk in the week before the election was 207, the week of the election 223, and the week after 301. Now, in that constituency he felt bound to tell the House there was no need of the Ballot. He did not think that under any system of voting which could be devised by human ingenuity a result more satisfactory than that which he had just described could be produced, and he hoped that before the debate closed hon. Members opposite who represented large constituencies would favour the House with the results of their experience and free their constituencies from the suspicion that impurity and intimidation existed there. One of the questions which had been put to him by his constituents was whether he was of opinion that the franchise should be exercised *viva voce* or by Ballot, and he adhered to the opinion which he had always maintained that the Ballot afforded no remedy for the evils com-

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plained of. The defeated candidate, however, on the occasion to which he was referring, was an advocate of the Ballot, and yet he was defeated by something like 1,700 votes. In Manchester, too, the gentleman who was at the head of the poll was not an advocate of the Ballot; he was, on the contrary, opposed to it. Thus in Liverpool and Manchester, constituencies numbering not far from 1,000,000, or one-twentieth of the population of the entire country, Members were returned pledged to oppose a Bill such as that before the House. However well the machinery of the Ballot might have answered some years ago, when great intimidation prevailed, and there was not that liberty of action and freedom of thought which now existed, it was not, in his opinion, at all suited to the present day. We had happily, he believed, arrived at a time when anybody who attempted to intimidate would be simply punishing himself; and as to having recourse to corrupt practices, the exposure which inevitably followed would to a great extent, if not entirely, put an end to them. The real remedy for the evils complained of, so far as they existed, was a higher development of our moral and political tone, improved education, and a loftier standard of public duty. To seek to stop corrupt influences by means of the Ballot was like attempting to stop the mountain torrent where it trickled into the lake. The evil must be grappled with at the source, not at the termination. He wished, in the next place, to say a few words with respect to the Committee which had sat upstairs, and of which he was a Member. The evidence given before that Committee was probably slightly in favour of the Ballot, yet there was a great deal of evidence against the adoption of the system. It should also be borne in mind that the evidence produced in favour of the Ballot was mainly due to the efforts of an organized society, while on the other side there were merely volunteers, or such witnesses as individual Members of the Committee might have happened to know as likely to come before it. The year previous to that on which the Committee closed its labours it occurred to him that the inquiry had been of a very superficial character; and he had, accordingly, moved a Resolution to the effect it should, before concluding the

inquiry, seek in other countries in which the Ballot was in use some fuller evidence. That Resolution was, however, negatived, as was also a similar Resolution which referred to the fact that evidence had been received from only two or three of our colonies in the following year. Now, the Report of the Committee was based very much on evidence which had been received from Australia, where, as was well known, there was no such public interest taken in politics as in this country. The Governor of South Australia, indeed, had alluded to that in particular, and had stated that not more than 60 per cent of those who were entitled to take out a right of voting ever took sufficient interest in the matter to ask to have their names placed on the register. Reports had been obtained from the Governors of our Australian colonies generally, as to the working there of the Ballot. Why, then, he should like to know, was no attempt made to ascertain the state of feeling on the subject which prevailed in the great Dominion of Canada, which lay side by side with a country in which the system had been thoroughly tested, and which was inhabited by a large number of French Canadians, who entertained sympathies favourable to French institutions? If the Government had called for the views of the Canadians on the question, they would have been informed that no later than last Session a Bill had been introduced into the Legislative Assembly for the purpose of changing the mode of voting from *virâ voce* to the Ballot, and that it had been rejected by a large majority. He would now turn to the United States. America always used to be put forward as their great guide on this question; but now it suited the advocates of this change to ignore altogether the operation of the Ballot in the United States, and to say that Australia should be their guide in bringing about this great change. Now, he held in his hand the Report of the Committee which inquired into the New York election frauds in 1869. The Committee declared that these frauds were so varied in character that they comprehended every known crime against the elective franchise; that they corrupted the administration of justice, degraded the judiciary, defeated the execution of the laws, subverted for the time being in New York State the essential principles of popular

government, robbed the people of that great State of their rightful advantages in the election of President, Vice President, Governor, and other officers, disgraced the most popular State in the Union, and encouraged the enemies of Republican government to decry its institutions as a failure. More recently still the Governor of New York, in his Message to his House of Assembly, said that all laws and measures to aid in establishing purity of election would fail if they did not reach this great evil, that no power would guard the Ballot-box if the voters were influenced by the corruption of money. It was money, not measures, that secured the result of an election. This influence pervaded all society, and it was practised with impunity because the offenders could not be convicted and punished. From the impression that he derived from a personal visit to that country very recently, however, he was bound to say that in this country individual corruption was more frequently practised than in America; but in America it was the corruption of party platforms, and through the operation of the Ballot the independence of the voter was lost, because it passed into the hands of committees and party wire-pullers. These influences managed elections and they corrupted the constituencies. He noticed with regret that there was not in America the same ambition among the leading men to enter public life that existed here. On the contrary, there they rather shunned taking part in Parliamentary representation, and he hardly met an enlightened citizen who did not join in the regret caused by this circumstance. He feared that in our own country the Ballot would cause a worse state of things than existed at present. He was bound to say, however, that when he went into the West and got among the farmer class he found an entirely different state of things to what he had seen elsewhere; and it was, in his opinion, of great value to that country that it had so steady an influence in the farmer class. He passed some time in Kentucky, where he was astonished to find that the institution of free voting was practised as in this country, and the feeling there was that there was less corruption, quite as much freedom, and quite as much quietness in the elections as in those States where there was secret

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voting. The people said they should be sorry to change their system of open voting for secret voting, and his impression was that in Virginia the same system prevailed. Whilst condemning secret voting he must, however, say that it conduced to great quietness in time of elections, and he had no doubt that it would prevent intimidation if there should be any attempt to practice it. In Cincinnati where an election was going on he should scarcely have known it, and therefore he admitted that the Ballot produced quietness and order in elections. He could not, however, see how the Ballot would in any possible degree prevent bribery and corruption, on the contrary, he was firmly convinced that it would increase bribery and corrupt influence. It could not be otherwise, because bribery and corruption were now practised when the voter gave his vote in the face of day, and it was clear to his mind that these influences would be increased and aggravated if the vote were given in secret, without the possibility of the bribery being detected. The Committee upstairs recommended that the result of the poll should not be publicly announced, and that publichouses should not be used for committee-rooms. If these and other suggestions were carried out elections might be made more orderly than they now were, without the necessity for the Ballot. What reasons were there for bringing in this Bill at this moment? They had been told it was no party question, and in one sense this was probably right, for it was difficult to say what might be the result. A working man in his town informed him the other day that the effect of the Ballot on his constituency would be bad for him, because the voters would not take the interest in elections that they had hitherto done, for, said he, so long as they could have their fights and their contests—[*Cheers*]*—*he did not mean physically, but morally—so long as they could have their struggles in support of their convictions, and showed to their fellow electors how they recorded their votes, they had an interest in the election; but now that they were to have secret voting, nothing, said his informant, would induce him to give up his time and his pay to record his vote. It was important for the future of this country that they should induce every man who was capa-

ble of giving a conscientious and deliberate opinion upon the public questions of the day to do so, rather than that he should take no interest in them. There were no doubt reasons of party exigency which had induced the Cabinet to bring forward this measure. There were some, indeed, who said that, while the Irish Church Bill had been introduced to cement a party and the Irish Land Bill to ingratiate a party, the Ballot Bill had been brought forward for the purpose of satisfying, he would not say a disorganized, but a dissatisfied party. He thought it unfortunate that there were indications of any influence being at work except that resulting from the real requirements of the country. They all ought, in their representative and individual characters, to endeavour to throw over those private and individual feelings, and take their stand upon the broad question of what does the country want, and he could not help thinking that in the long run any Government would find that to be their best policy, rather than narrow it to one of party interests. The introduction of the measure had been ill-timed, and it would have been wiser, after the political revolution that took place two or three years ago, if they had given the country a little rest. There existed symptoms of disquiet, and the proposal of this measure would only pander to the desire for change. In the highest interests of the country it would have been wise, at any rate, to postpone the measure to a later period. He was satisfied in his own mind that the measure of the Government would not remedy, but would rather aggravate, the evils complained of; and he was convinced, too, that it would not tend to elevate the habits or character of the people of this country, either morally or politically. He had, therefore, made up his mind to record his vote in favour of the Amendment.

MR. W. E. FORSTER said, although the question of the Ballot was one in which he felt deep interest, yet but for the accident that he had charge of the Bill, he should not have thought it necessary to address the House, especially as the debate, which had been carried on with great ability on both sides, was not one which the friends of the Ballot could look upon with regret. His hon. Friend who had just spoken must excuse

him for not going into the grounds on which the Government had given up certain measures, as that was a matter apart from anything now before the House. Against the evils said to be attached to the system of voting in America security was taken by the mode of Ballot proposed in the Government Bill, and he would remind his hon. Friend that the two States to which he alluded as having maintained open voting were the two States where slavery had been long upheld. He agreed with his hon. Friend that the machinations of the wire-pullers formed one of the greatest dangers of America; but he believed that the Ballot which it was proposed to establish would tend to defeat such machinations if attempted in this country. His hon. Friend asked why was the Ballot before the House at that moment? and to that question he answered that the Bill was introduced almost immediately after the meeting of Parliament; and from the time of the delivery of Her Majesty's Speech until then it had been well known that the Government thought it their duty to press with all power and earnestness for a settlement that Session. The right hon. Gentleman (Mr. G. Hardy) expressed surprise that the Liberal party in that House were combined on that question as they had never been combined before. The explanation was perfectly easy. Hon. Members opposite said that that question was viewed by the country with apathy and indifference. He was convinced that there was no question on which the country at that moment felt more or as much interest. ["No, no!"] When hon. Gentlemen said "No," they, no doubt, spoke from their experience of their constituents; but they (the Ministerialists) must be allowed to appeal to their experience, and after all they were at the present moment, as had been often acknowledged, a majority in that House. It was no wonder that the majority of the House were strongly in favour of the immediate settlement of the question, because they knew that the majority of their constituents were in favour of its immediate settlement. He did not believe any hon. Member on either side of the House doubted that if from any accident whatever connected with that question, or any other, they were to go back to their constituents, that House would be replaced by one in which there would be a different

feeling on that question, or that the new Members would not come there determined to settle it. The right hon. Member for Oxford University might have had no difficulty in discovering that the Reform Bill which the Conservative Government brought forward, and which the Liberal party had helped them to pass, had made the majority of the constituencies of the country, who before were not in favour of the Ballot, the friends of the Ballot at the present time. The Government felt that the question must now be settled, because it had been acknowledged on both sides of that House, and in both Houses of Parliament, that if there was a question which pre-eminently concerned the constituencies, and upon which their views and wishes ought to be considered, it was the mode of conducting elections. He was not surprised that the new voters, and especially the poorer portion of them, were in favour of the Ballot. The reason might be wrapped up almost in a sentence; it was that they wished to be let alone, and to vote just as they might think fit. Let hon. Members opposite try and put themselves in the position of one of the poor new voters. The voter found a new right given to him, or acknowledged, and found a new duty imposed upon him; he had to exercise this right to perform this duty—he (Mr. Forster) was not going to enter into the disputed question of the trust—but he found that this vote was an object of desire to other men; that men wanted to get that vote for their own purposes, and that they were stronger and more powerful than himself; and he claimed to be allowed to vote in secret because he wanted to exercise his right and to do his duty in accordance with the dictates of his conscience and without being tempted by rewards, bullied by threats, or teased by solicitations. This was the real secret of the desire for the Ballot among an immense majority of the new constituents, and it seemed to him perfectly natural that they should seek to obtain it. With such persons the Ballot was not a mere Shibboleth of party, or a kind of superstition; they wanted it simply as a protection, and many of the arguments which had been used on the opposite side would be almost unintelligible to them. It was well known that there was nothing so likely to stop trade as a feeling of uncertainty about the delivery of goods. A man would not like

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to put down his money in a publichouse for a pot of beer if he thought that it might be drunk by somebody else—and to his mind it had always appeared that the Ballot would be the greatest blow at bribery, as well as the greatest protection against intimidation. There had been an air of unreality about the debates on that question. He thought he would not be convinced—in fact he was not quite sure that his moral sense would not be shocked to see the anxiety which appeared to be felt by hon. Members to hold up public opinion as a tribunal of appeal on which he might rely. The right hon. Gentleman the Member for Oxford University said the other night that any public opinion was good. He was not sure the right hon. Gentleman would hold to the words, but he noted them down at the time, and he found, on referring to the usual mode of correcting them next morning, that he was quite correct; but he was sure the right hon. Gentleman did not mean to draw the same inference from it that a working man would draw. It showed, however, how dangerous this kind of argument was of holding up public opinion as a tribunal by which he should be guided; in other words, that public opinion must bring him to vote according to his conscience. What would be his reply? That he wanted to be left to his conscience, without any power to coerce or persuade him. They must have power to coerce, to bribe him, because he would not have public opinion to act on him. What was public opinion to him? It was the opinion of the landlord, who might raise his rent—of his employer, who might turn him off—of a trade's unionist or a member of some secret society, who might denounce him. That was the way in which public opinion bore on him, and no argument as to the necessity of bringing him before it would in the slightest degree diminish his desire to obtain the protection of the Ballot. He might be told that this was unreasonable. Now, he was not going to read extracts; but it did surprise him that those who took part in the Committee should come forward and speak of the evils they had to guard against as if they were not great evils. In the Report made by the Committee there was a complete, candid, outspoken acknowledgment that in both municipal and Parliamentary elections there were these evils to con-

tend against—at municipal elections bribery to a great extent, intimidation perhaps not to so great an extent; and at Parliamentary elections, intimidation to a greater extent and bribery to a less extent. He could read extracts from the earlier clauses of the Report unanimously agreed to by the Committee, which completely acknowledged these great evils; but the Members of the Committee, who spoke from the other side, told them that these evils were ceasing and need not be guarded against by the Ballot. It was remarkable there was not the slightest allusion in the Report to this hopeful result. He did not find that one of those Members had ever made such a proposition during the deliberations of the Committee, or had ever expressed such hopeful views as the result of their careful investigations that they believed the evils of bribery and undue influence were diminishing and would soon disappear. He was surprised that his hon. and learned Friend (Mr. A. Cross) who made the Motion they were now discussing with such moderation and ability had not brought forward the opinion he now expressed so strongly at the time the Report was being drawn up. His hon. and learned Friend said they were advancing steadily towards purity and freedom of election—and the words were impressed on his (Mr. Forster's) memory by the cheer of the hon. Member for North Warwickshire (Mr. Newdegate), for this was the first time he had ever heard that hon. Gentleman acknowledge that progress had been made in anything—but they did not find anything of that kind in the Report of the Committee. Were the evils against which they had to contend really diminishing? He saw influences in favour of purity and freedom of election. There was the Bill they passed last year. He was hopeful of the result of that Bill; but he certainly could not put off the reform of the electoral system till they saw such a result. In addition to that there was, no doubt, much progress in prosperity, in political knowledge, and political accountability; he trusted also there was an increasing independence among the great body of voters. But there were other influences which must not be forgotten. Side by side with the increased prosperity of the working classes there were great accumulations of wealth. Every

wealthy man would be more and more powerful and more anxious to realize that power. [*Cheers.*] He was delighted to hear hon. Members opposite concur in that opinion. In addition to that there was the danger alluded to by the hon. Member for Liverpool (Mr. Graves), the consciousness of which danger he viewed in a different light from the hon. Member. He would not now discuss the question arising between the employer and the employed. He would only say that he looked forward to the Ballot as a means of enabling them to enter upon the consideration of these questions in the hope of a beneficial result. He would take a single illustration. Large employers of labour, who were attaining great wealth, were anxious to obtain power in that House. Now, was it to be supposed that they would be able to use it without some counteraction on the part of those whom they employed? What would be the result? There would be wealth on one part—organization on the other. He trusted, after the settlement of this question, that on all class questions there would be as little of those opposing class forces brought to bear upon them as possible. The belief was generally entertained that the protection of the Ballot would prevent these opposing forces being brought into contact, because both the possessor of wealth and those who hoped to effect organizations would find that the power to use these forces had been considerably diminished by the existence of the Ballot. So far from agreeing with the hon. Member for Liverpool that the time was ill-chosen for legislating on this subject, he thought that it was peculiarly opportune, and that the passing of the Reform Act made it the more expedient that the first Household Parliament should adopt the Ballot for the householders who had returned them before the next election. There might be some increase of danger, and possibly of disease, in the extension of the suffrage; but he did not regret it for a moment; he did not share the opinion of the hon. Member for West Norfolk (Mr. G. Bentinck) in his rebuke of the right hon. Gentleman the Member for Buckinghamshire for deserting Conservative principles. He cared not whether the effect was to help Conservatives or Liberals; it was necessary, and true Conservative policy, to preserve the in-

stitutions of the country, and the Conservatives might thank their leader for not putting the party in hopeless opposition to the progress of the nation and to that extension of the suffrage for which the time had come. It was impossible to have that measure—as it was impossible to have others, in this world—without its dangers, and one of these was the increase of the number of persons liable to be bribed or unduly influenced; and it was this that made the remedy now proposed more urgently necessary. There was one special reason why the passing of the Reform Bill should be followed by the passing of the Ballot. The principle of the Reform Bill was, that every householder in England ought to have a right to self-government. Surely it would be most dangerous to mock them with the gift, and to take back with one hand what they gave with the other. They had no wish to make it a mockery; but they had undertaken a duty which they could not perform without making some sacrifice. He believed that the extension of the suffrage was the fulfilment of one of the most deeply-rooted sentiments of free Englishmen—that in this free country every man should have his right to a share in the government, and exercise his vote in perfect freedom. He expressed his deep regret that just at the time they were considering the immediate settlement of this question, in which the lamented Mr. Grote took so deep an interest, he should have been struck down; and he could not resume his seat without quoting the words used by that Gentleman when he spoke in bringing forward his last Motion on the subject, and which were the exact expression of his own sentiments. What Mr. Grote said was this—

“I am persuaded that the right of the country to the free and conscientious expression of opinion from every qualified elector, poor as well as rich, and the right of the elector himself to express such opinion at the poll without hindrance or injury, is among the most deeply-rooted of all our national convictions; and to convert this right from a cherished fiction into a useful reality is the claim and virtue of the Ballot. If you refuse the Ballot you virtually discountenance free and public-minded voting.”

He could hardly expect hon. Members opposite to acknowledge that. [“No, no!”]

“For vast numbers of the community you decree the continued reign of corruption and intimidation. [“No, no!”] You keep alive a

poisonous state, which infects the life-blood of our representative system; against this poison the Ballot is the only antidote, and as such I commend it to your favourable decision. I know not whether you will reject it now; but I am sure you will not reject it long.”

With these words Mr. Grote ended his speech before he left the House in 1839. [*A laugh.*] That was a statement of truth which, to his mind, was not to be denied—he expected a smile when he gave the date—a prophecy as yet unfulfilled. Would that it had been fulfilled. Had the Ballot been passed when Mr. Grote asked the House to pass it, much animosity between classes, much bitterness of feeling, much injury to individuals, would have been prevented. Why had that prophecy not been fulfilled? Why was the Ballot not passed when Mr. Grote made that speech? Because at that time, and almost until now, the power of electing Members of this House rested mainly with those who preferred the old system of open voting, and preferred the possession of the power to bribe and to coerce. The vote they should take that night would insure the immediate, though long-deferred fulfilment of that prophecy, because the power of election now rested with those who, since the passing of the Reform Bill of 1867, were able to say to the right hon. Gentleman the Member for Buckinghamshire, and those on the Liberal side who had helped him to pass that measure—“You have given us the right to vote; you have acknowledged our right to vote; we desire and demand that this vote shall be free.”

SIR STAFFORD NORTHCOTE: I shall make no apology for detaining the House for a few minutes before it proceeds to a division upon this question. Without for a moment denying the importance of arriving at a timely settlement of it, I venture to submit one consideration, which outweighs in my mind the pressure for any hasty decision of the matter—and that is the consideration that we are engaged in the discussion of a question which lies deep at the root of our electoral system. Whatever the decision of the House may be—whether it be for good or ill—it is, at all events, a decision which will deeply affect the constitution of this country for years to come. It is one of the first duties of this House, not only to respect as far as possible the public opinion that hon. Members may gather from their constituents, but also

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to perform a part of, at least, as much importance—namely, to assist by our discussions in forming and guiding the opinions of those who have sent us here. I confess I was disappointed when the right hon. Gentleman the Vice President spoke of the motives which led to the introduction of this Bill. As the first and principal reason for proceeding with it the right hon. Gentleman said the feeling of the constituencies and of the people was in favour of it. I am not prepared to question the accuracy of the right hon. Gentleman's information as to the opinions of the constituency of Bradford, nor do I undervalue the statement which he makes with so much confidence as to the opinions of the constituencies at large. It may be that that statement will entirely outweigh the evidence upon which the House is rather accustomed to rely—namely, the expression of opinion in the Petitions which are presented. I am not disposed to undervalue the 45 Petitions which I am told bear 7,500 signatures in favour of the measure, and I will accept the statement that is tendered to the House by so high an authority as the right hon. Gentleman against the negative evidence derived from the paucity of Petitions. But though I was sorry to find that the right hon. Gentleman, who is so well qualified to argue this question upon its merits, should take, as his principal ground, what he said was the opinion of the constituencies of the country; yet I was relieved when within a few sentences the right hon. Gentleman gave an antidote to his doctrine. He rebuked my right hon. Friend (Mr. G. Hardy) for saying that any public opinion was good. Having placed the case of the Government in connection with this Bill on the alleged fact of its being approved of by the great mass of the Liberal electors, the right hon. Gentleman told us at the same time not to take mere public opinion as sufficient ground for our proceedings. I hope, then, that we are free to set aside for the moment, as the governing consideration for the passing this measure, the mere expression of public opinion which he fancies he has discovered in the constituencies of this country. Because I am far from admitting that the mere fact that the right hon. Gentleman, and those Members with whom he is associated, form a large

majority of this House, and that the Ballot is one of the articles of their political creed, is sufficient to prove that the majority of the electors are in favour of the Ballot. The last General Election, Sir, is not so far back as to make us forget the circumstances connected with it. That election turned on a great number of considerations. We were told that the one great question before the country was the Irish Church Establishment. There were supplementary questions in regard to the condition of Ireland, the tenure of Irish land, and the system of Irish education, before the country, and something, I remember, was also said upon the question of administrative economy. The Ballot, however, was by no means one of the popular questions which were then submitted to the electors. So much for the opinion of the public. But we are bound to discuss this question upon its merits. If that be so, there is a special obligation upon us sitting upon these benches to examine the second ground which the right hon. Gentleman put forward as a reason for proceeding with this Bill, when he said the pressure for the Ballot at this moment originated in the passing of the Reform Bill introduced by the Government of Lord Derby—a measure which gave a new colour to the constituencies of this country, and rendered the adoption of the Ballot on many accounts absolutely necessary. Now, I venture to remind the House that in the measure passed by that Government, of which I had the honour to form a part, we had not neglected to consider that on which so much stress has been placed—namely, that by the introduction of a large number of new electors into our system it was possible that fresh cause might be given to fear the effects of those evils that already prevailed. We were aware that it would be said, with much plausibility and even with much ground, that the large increase of the electoral body might give a stimulus to bribery and intimidation. We therefore did not neglect those matters, but endeavoured to provide against them. Coupled with that measure of Reform was another, designed for the express purpose of detecting and preventing corruption and intimidation at elections, for we did not throw a large body of new electors into the old system without endeavour-

ing to accommodate that system to the new conditions, but while we largely increased the constituencies we provided more stringent measures for the prevention of electoral corruption. We did not stop there, for although the House was not pleased to accept the proposals that were made to it, that Government introduced into their Bill for largely extending the franchise clauses that were framed with a view to prevent these special evils which the House has been told with much confidence the Ballot would certainly prevent. We proposed that votes should be taken by voting papers. Now, those clauses indicated our sense of some of those mischiefs upon which great stress has been laid by the right hon. Gentleman opposite and his Friends. We sought thus to provide against disturbances at the polling-places and to check bribery, especially at the last hours of election, whilst endeavouring at the same time to bring to the poll the largest number of electors possible. It was not the opinion of this House, or of the one that preceded it, that that measure should be adopted; but we stand here to say that we did not overlook the difficulty. We still believe that the remedy we proposed was a more opposite and more perfect remedy than this, and that it would to a very great extent have diminished and, perhaps, have gone far to cure the evils which are now complained of so far as they are curable, without involving the objections and difficulties which we say lie in the way of secret voting. Now, I venture to say—and I will draw my argument from the speech of the right hon. Gentleman himself—that that to which we really look for the preservation of a healthy state of opinion, and for the exercise of the franchise in a honourable, fair, and beneficial manner by the people of this country, is to these two causes which he himself has adverted to as likely to be the most productive of benefit to this country—I mean the increasing independence and intelligence of the voters, and the free interchange of thought. So far from this measure which is now before us tending to facilitate and advance the independence of the voters and the interchange of thought, it will have a directly opposite result. I believe it will fail altogether in the object at which it professes to aim—the securing of that independence;

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and I believe it will most materially operate to prevent the free interchange of thought. I hear it said by hon. Gentlemen on the other side of the House, who advocate this measure, that we who oppose it confess that it will afford protection against intimidation. I, for one, confess nothing of the sort—I entirely deny it, and maintain that the power of intimidation, though it may change its character and its form, will be as great under this Bill as it ever was before, and it will be even greater, because it will be freed from that which is a counter check to intimidation—I mean the interchange of thought. Now let us look at this question of intimidation. What is it that you mean by that phrase? Let us look at the precise way in which you use it. Here is an employer who intimidates his workmen—exercising such a pressure on them that they will not venture to give a vote contrary to his wishes for fear of losing their employment. But how could the Ballot act in such a case? The Ballot, to be effective, must protect the voter throughout his whole connection with his employer—not only at election times, but at all other times. The voter must be careful to abstain from any expression or interchange of opinion with his fellow-workmen, or with anyone, or else his political views and bias are known, and if he happen to entertain Conservative opinions while his employer, let us suppose, is a Liberal, the employer himself, or his foreman, or the agent of the party will say—“That man must not vote, or else he will be sure to give his vote against us. We know his opinions, and we must exert a pressure to keep him from the poll.” How are you to get rid of that sort of intimidation under the Ballot? You do not get rid of it, but you bring the pressure to bear exactly on the wrong men—on the intelligent men who have formed opinions, and who are able to express and defend them. You destroy the weight which those men have among their fellow-workmen by the free interchange of thought—those are the very men who, if intimidation is to prevail at all, will be exactly the men whom you will keep from the poll. But there are other forms of intimidation. We hear of mob intimidation; but have not the mob a pretty good idea of the people who will be likely to vote against them—respect-

able people who may have taken part in discussing the various questions of the day, and who may have adopted particular views on points which interest the masses—for instance, on the question of capital and labour, or on some matter like the licensing system? You do not, I say, get rid of intimidation by this measure, you do not get rid of its 50,000 different forms—even if you get rid of that intimidation which you say the employer may exercise on individual workmen. But what do you lose by it on the other hand? All the free interchange of thought which is the real education of the political men of this country. When we extended the franchise we looked forward to the influence of education—of a free education—in the future which would enable men to understand and take an interest in the questions of the day, and to give their votes not for personal and private but for public interests—not for private affection, but with regard to the public opinion of those whom they respect. I have heard some hon. Gentlemen on the other side ask—“What do you mean by this public opinion which is to do all this good?” Why, Sir, I mean that public opinion which keeps a man from voting through mere spite or ignorant motives, and which induces him, whether he is right or wrong on particular questions, to give his vote for some public reason. That is the sort of thing we want to encourage in this country, so that all men shall take an interest in the political work they have to do. Then what else do you do by this measure? You lose the example given by courageous votes openly recorded. The workman who has to leave his place because he has voted against his employer may be a sufferer—and I admit that it is our duty to prevent that form of suffering as far as possible—but after all he is also a martyr, and does great good by testifying to a principle. [“Oh, oh!”] Hon. Gentlemen opposite may laugh; but let me ask them whether they themselves do not bring forward cases of this sort, and appeal to those men as martyrs in the cause of the Ballot. Remember the position of my argument. I do not say that you are not necessarily, after full consideration, to adopt this measure; but I say you are not entitled to adopt it for the reasons which have been given. I am now asking you not to be so very tender

with regard to these cases as to say that because a man might possibly suffer he, therefore, ought not to be called upon to exercise a political duty—when you admit men to the franchise you call upon them to exercise a duty. We are all called upon to exercise duties in our various ways, and in the exercise of them we sometimes have occasion to imperil, and even to sacrifice, our own interests. I do not undervalue the sacrifice of the poor man who injures himself by giving a vote which is distasteful to his employer; but I say that, in the condition of this country, the quality which you should cultivate among your people is that of political courage. A measure which is founded upon a denial of political courage is not only un-English, but it is un-patriotic, because it deprives us of that which I believe to be the mainstay of the country. When we look round and see the example of other countries, and the misfortunes that have happened to them, I say boldly that those misfortunes are attributable, above all things, to a want of political courage, and it is a most serious matter that we should give countenance to a measure to discourage that quality which I say it is above all things desirable to cultivate. Now, we are told that the Ballot is needed to put down the evils which attend our electoral system. I am far from denying that these evils still prevail, and are of a serious character. I am far from discrediting any attempt to put them down; but I ask you, instead of “flying from evils you know, to those you know not of,” to adopt another maxim well known in America, and “fight this battle out on your own line”—the honourable, and I hope successful line of appealing against selfish and degrading influences to the healthy influence of public opinion, by endeavouring as far as possible, to detect and prevent electoral corruption and intimidation, and by bringing the power of public opinion, through the Press and every other organ of opinion, to bear on those who try to misuse the advantages they possess. I should be the last man in the world to stand up for intimidation, which, in my opinion, is a most disgraceful feature in any society; but you may put it down partly by rigorous measures of detection, repression, and punishment, and still more by making those who practise it ashamed of themselves. Have we made no pro-

gress in this matter within the last 30 or 40 years? Do you believe that intimidation, bribery, and undue influence of all sorts are looked upon as coolly now as at the time when Mr. Grote made that prophecy? I greatly doubt it. I should be very sorry, indeed, if I believed that undue influence were as rife in this country now as they were 30 or 40 years ago; and I say, with reasonable measures of precaution, with a due system of repression by law and discouragement by society, and with a constant appeal to public opinion to condemn those men who abuse their natural advantages for the purposes of bribery and intimidation, the evils pointed at—especially those evils which occur on the day of election—may be reduced to a minimum. You will not do this by the Bill, because you will not get rid of the causes of the evil; you do not go to its root. You cannot test whether bribery has been committed or not, and as long as there are candidates who are willing to pay for a seat in Parliament they will find means of paying for votes. While there are persons inclined to resort to intimidation, they will find out a way by which to accomplish their ends. As we say in the West—"a man is a difficult animal to fence against," and unless you go to the root of the evil you will discover the force of this proverb. I want you to go to the fount and source of what you want to abolish, and make intimidation disgraceful as you are making bribery disgraceful. I believe that the steps you have been taking will, if you persevere, make bribery come to be held in detestation, and ultimately annihilate it. But should you adopt the course which you are now asked to follow you will shut yourself out from being able to discover it, and while you cut it down in one direction fresh shoots will be thrown out in another. We have had reference made in this debate to what takes place in America. But the right hon. Gentleman gets up and says—"Our Bill will defeat those American evils." I do not believe a word of that. I had an opportunity of being present in the City of Washington at an election which took place in that city. I saw the process there, and the way in which a certain kind of Ballot is defeated by the ingenuity of those indefatigable persons who are called election agents here, but who pass under another name on the other side of

the Atlantic. In that election everyone voted by open tickets—that is to say, every man had a ticket put into his hand at a window, with the names printed on it. He took it from whichever candidate he wished, and handed it to the poll-clerk. The ticket of one candidate was white, and that of the other chequered. You say that is open voting. ["Hear, hear!"] Not quite; because the agents on one side placed the name of the Republican candidate on the Democratic ticket, and those on the other the name of the Democratic candidate on the Republican ticket—that is to say, committed a fraud; and sometimes they contrived to get a man to put a wrong ticket into the box, and once there it was beyond being objected to; and the votes were given sometimes against the knowledge of the voter. What I wish to point out is, that where a man made his vote secret he did so by a fraud, a thing which, I think, we should not like to encourage. Again, the numbers were announced throughout the election at every hour of the day. But I do not speak alone of the Washington election. What struck me more was an election which took place in another State, and which created a great deal of interest. I mean the election of the State officers in Connecticut. This is one of the New England States, and is, therefore, not open to the charge which the right hon. Gentleman brings against Kentucky of having supported slavery. A large number of persons who were not connected with Connecticut, went into that State from the Association known by the name of Tammany in New York. They exercised every sort of bribery and intimidation; and it was alleged that a large sum of money was expended in order to carry the election on a particular side. I cannot say whether those charges were true. But they were believed. Now what did take place was this. When the Ballot-boxes were opened it was announced, in the first instance, that the election had fallen on one candidate. After a time it was announced that it had fallen on another. Then an allegation was made that the Ballot-boxes had been tampered with, and on the matter being inquired into by a committee it reduced itself to this particular form. It was said that in one district 594 votes were found in favour of a particular candidate, and it was al-

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leged by his friends that the real number was 694, and that 100 votes had been abstracted from the urn. This gave rise to a good deal of speculation and to much commentary, and a great many bets were made on the subject in New York. Well, a peculiar course was taken to decide the question—a course which the right hon. Gentleman has not provided for in his Bill, but which it may be necessary to provide for should the Bill be proceeded with. They called up the voters from the particular district, and swore them as to whom they voted for. The result was that they satisfied themselves that the Ballot-box had been tampered with, and they came to the conclusion that the candidate who appeared to have only 594 votes was in reality entitled to more, and he was returned. I merely mention this fact to illustrate the ingenious methods by which elections are effected under the Ballot in America. I have been told of numerous other practices. For instance, private firms sometimes require that voters under their control shall place particular marks upon the tickets, ascertaining when the Ballot-box is opened whether the votes have been given according to their wishes. I do not maintain that provision may not be made against these specific frauds; but you cannot tell the thousand and one other frauds which the ingenuity of men who are determined to beat your system will suggest. I would earnestly impress upon the Government this consideration—which was put forward by my hon. and learned Friend the Member for South-west Lancashire (Mr. A. Cross) in his speech—that if it is of great importance to secure the honesty of those who vote, it is above and beyond all things important to secure confidence in those who manage the machinery of elections; and that if it is possible that imputations can be made against the officials, that Ballot-boxes have been tampered with, and that frauds have been committed in taking the votes, you shake confidence to a degree the mischief of which far exceeds that arising out of any instances of intimidation or bribery which can be brought forward. Sir, I do not suppose that there would be any such misconduct on the part of those who would be the public officers in this country. But I say it would be always impossible to prevent people imputing such misconduct, and, therefore, it would be impos-

sible to give that confidence which arises from being able to prove how every vote has been given. I earnestly entreat the House to be careful how they introduce and pass a system of this kind without providing in some manner or other for the subsequent identification of the votes. I really am ashamed to trouble the House at such length. I have ventured to speak upon this subject because I really feel that it is one which goes deep into our national character, and affects deeply the national institutions. I listened with pleasure to such observations as those which fell from the right hon. Gentleman the President of the Poor Law Board (Mr. Stansfeld), and others who have addressed the House, wherein they have spoken of this as a measure the passing of which they would regard as a humiliation, and which they looked upon as a choice of two evils. Now, I do not say that it may not be proved ultimately that some such measure as this is needed. And if such should be proved to be the case after full evidence, of course it would be our duty to adopt the best course open to us. But what I say is, that at present no such evidence has been adduced. At present what is certain is, the evil which would follow. The good that you think you are about to do is problematical. I say you have not proved your case, and you are about to disturb an experiment which we are now making to put down the evils of our electoral system in a legitimate way, by bringing public opinion to bear on them—by endeavouring to educate the voters and render them more independent, and by seeking to punish any transactions of a questionable character. It is perfectly possible, if you think it desirable, to introduce measures which will meet the main and more obvious blots in the management of elections. It is easy by some system of voting papers to secure all you desire. [*Dissent.*] I prefer myself to try the system as it stands. But I say if I find that the system as it stands is open to those charges it may be our duty to give the protection which voting papers would give. But this I maintain, that under no system is it probable that you can introduce any arrangements which can compensate by any advantages they may bring for the great disadvantages you will introduce if you pass the Ballot without a power of scrutiny. If the House decides on

going into Committee the question of a scrutiny is the main point to which our attention must be directed. But I earnestly press the House to pause before going into Committee. Though the question has been so long before the country, it is not yet ripe for decision. The right hon. Gentleman appeals to public opinion. Public opinion how formed? Formed upon the discussions which he has referred to, which took place some 30 or 40 years ago, kept up only by Motions in this House, for the question has never been treated seriously, and never been made the subject of an earnest debate. ["Oh, oh!"] I do not deny that able speeches have been made and frequent divisions taken; but I say the matter has never been treated with the earnestness and the seriousness with which we treat subjects brought before us when a measure is introduced by a responsible Government, and which is the only way that I believe a subject so important should be dealt with. Those debates, at least, had none of the importance and seriousness of this one. This is the first discussion, I believe, even on the principles of the Bill; certainly it is the first of any length upon the details of it. Under these circumstances, I think our constituents have the right to demand not only that we should give expression to their fully formed opinions, but also that we should enlighten and instruct them upon the difficulties of the question, which they do not thoroughly understand, and that we should not divide upon a subject of such importance until after full and serious debate, and until it has been subjected to the enlightened opinion of the country.

MR. GLADSTONE: I think that those who have just listened to the speech of my right hon. Friend will not only admit that it has been characterized by the fairness and the absence of passion which—with perhaps one exception—have distinguished the opposition to this measure, but likewise—which cannot but be satisfactory to the supporters of the Bill and to the Government—that that speech in no small degree assumed the character of a plea for time. My right hon. Friend says the matter has not been sufficiently discussed; he will not bind himself to the proposition that it may not be ultimately necessary to have recourse to secret voting; and in the latter part of his speech he pointed to

the main strength of his objection, not to the principle of the Bill, but to the fact that the Government proposes a Ballot which cannot be followed by a subsequent scrutiny. Now, however important that question may be—and the Government have a fixed opinion upon it—I am glad to perceive that the principle of the measure is, at any rate, not very far from finding access to the mind of my right hon. Friend, as judged by his language this evening. My right hon. Friend perceives—in common with the whole House—the intimate connection between the subject and the recent extension of the suffrage. Thirty years ago the argument on the question was treated as an argument already exhausted, and I shall endeavour to be mindful of that fact in such remarks as I may make this evening; but the position of the question has certainly undergone a great change. Critical remarks have been made upon a statement of mine last year, made briefly and concisely, respecting the great alteration we had brought about in the franchise, and the effect of that alteration on the question of secret voting. I see nothing to retract in that language. It is a great mistake to suppose that the use of the phrase "a trust" in reference to a vote has been confined to the opponents of the Bill; it was an expression repeatedly used by Mr. Grote himself. The illustration of the question by reference to trusteeship was not to be literally construed, but was in the nature of a general analogy, largely affected by the changes which have occurred; for if we look at the two extremes of the scale, there cannot be a doubt in the minds of many men that in some cases secret voting is perfectly allowable, and in others it is utterly intolerable. In the case of a club, the severity of the inconvenience that would follow upon open voting is not to be compared with the severity of the inconveniences resulting from open voting in the case of political elections. There cannot be a doubt that the members of a club are justified in establishing a secret vote; but if we take the House of Commons the doctrine of the trust is so broadly applicable that I cannot conceive any hon. Member can gravely propose to us, whatever he may do in the way of irony and sarcasm in the Notice Paper, that we should vote in secret in the House of Commons. These

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are the two extremes, and as we pass by degrees from one extreme to the other—from the small body exercising great powers on behalf of vast numbers to the small body exercising powers only on behalf of itself—it is evident that our conclusions must undergo regular and modified progression. We have modified the franchise greatly, and we have enlarged the principle more than we have enlarged it in fact. I was represented the other day as having hinted that the Government meditated fresh proposals on the subject of the franchise. I was astonished at that construction being put upon my words. I stated the other day what I have stated before, and what I re-state now—that, in my opinion, the principle of the recent measure for the extension of the franchise reaches much further than the measure itself, and that the time will come when it will be carried to its legitimate conclusions. The Government are not so free from other political engagements, and their hands are not so empty of important work, as that they should ever dream of making it their duty to deal with that subject. But upon that great extension of the franchise—that doubling of the constituencies—two consequences followed. In the first place, the analogy of the trust—which was the main support of the argument in favour of open voting—is greatly weakened; but, quite apart from that, another consequence has resulted, of which the right hon. Gentleman himself is perfectly conscious. At the commencement of his speech he admitted—nay, he boasted—that on the introduction of the present franchise the Government, of which he was a Member, was well aware that fresh provisions would be requisite in respect of the purity and freedom of election. He admitted the Government of the day saw that necessity before them, and he says they endeavoured to meet it. How did they do so? By two or three secondary enactments to which I need not now refer, because they do not touch the heart of the case. The chief measure by which they proposed to meet it was the introduction of voting papers. The introduction of voting papers was rejected by Parliament, and, therefore, my right hon. Friend has, by his own admission, got before him this necessity for new measures to secure freedom and purity of election, which, he says, he

foresaw must arise out of the Franchise Bill for which he was responsible. He, however, proposes no such measures, and refuses to join in the measure we propose. [An hon. MEMBER: The Bribery Bill.] The Bribery Bill was a measure having relation to the disposal of seats, and nobody will say that such a Bill was to be considered as dealing with the question of freedom of election. My right hon. Friend himself did not say so, though an ingenious gentleman has just said so for him. My right hon. Friend referred to voting papers. [Sir STAFFORD NORTHCOTE: And the other measure also.] My right hon. Friend in his speech certainly indicated that it was on voting papers that he placed the most reliance for the freedom and purity of elections under his Reform Bill. But what was the fact as to these voting papers? The Reform Bill introduced into the constituencies—and that is the vital and fundamental change that has been effected—a vast number of comparatively helpless and dependent electors, who could not possibly have the same means of defending their freedom of election as their stronger brethren, and the Government of the right hon. Gentleman proposed to meet that alternative by the introduction of voting papers, which themselves would have been the most formidable engine for invading the independence of these very voters, and for reducing them to utter helplessness. [An hon. MEMBER: No, no!] The hon. Gentleman says “No, no;” but why will he not allow some freedom of opinion instead of projecting his audible contradictions into the middle of the House? Though he seems inclined to allow no opinion except his own he must remember that the House of Commons voted against those voting papers upon the grounds which I have indicated, and I believe and affirm that which is the sentiment of a large majority of hon. Members in this House when I say that those voting papers, introduced at a time when my right hon. Friend admits they saw the necessity for new provisions to secure freedom of election, were rejected, because, instead of tending to promote freedom and independence, they tended to reduce to greater helplessness every voter who had already the slightest element of weakness in his political constitution. Therefore, I think we have some claim on the support of

my right hon. Friend. When his Government introduced the Reform Bill it would only have enfranchised 121,000 electors; but as it passed through the House it assumed very different dimensions, and at last it grew into a gigantic measure, and instead of enfranchising 121,000 persons—[An hon. MEMBER: "Question, question!"] I beg the hon. Gentleman's pardon. I believe I am speaking to the question. I believe I am speaking strictly to the question, and if the hon. Gentleman chooses to rise and to point out in what respect I am not speaking to the question, let him do so. I was saying that the Reform Bill of my right hon. Friend grew to admit to the franchise 1,000,000 of electors, and the necessity for providing greater security for the freedom and purity of elections grew in proportion; therefore, I repeat that my right hon. Friend himself by his own argument has furnished us with a strong ground for insisting that even if he does not approve of the principle of the Bill we now propose, yet he must admit that a great need exists, and that we ought to propose some means to meet it. Again, reverting to the Ballot, I think it is impossible for us to suppose that we have a monopoly of the political wisdom of the world. It is quite true that we have prided ourselves on the publicity of our system of conducting elections. All our prejudices and prepossessions are in favour of that system, and it is only on examination of the question that we are induced to part from them. On examination of the system, we are compelled to admit that it has been attended with scandals and disgraces such as have marked the conduct of elections in no other country in the world. I mean particular scandals and disgraces, and not such as affect the constitution of the system in its entirety. Those scandals and disgraces may be described as enormous labour, enormous expense, frequent riot and disturbance of the peace—in Ireland habitual riot and disturbance of the peace—extensive bribery, extensive intimidation, and the impression that intimidation still more widely exists or is practised. If we claim, as in some respects we have a right to claim, to be the political leaders of the world on the matter of representative institutions, I think we must admit that these, at least, are points on which not only could we not expect others to follow

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our example, but on which it might be well for us to consider whether we have not something to learn from them. We have covered the world with our colonies, and every colony, as it has been founded or has grown to freedom, has adopted the system of secret voting in elections. Are we to be told that with those colonies there is no political courage? I am not aware of anything that would justify anyone in saying that with regard to what was once our colony, but is now the United States, or with regard to our more modern colonies, anything has been lost of the masculine character of Englishmen. Nay, more, I think my right hon. Friend, who has recently with so much patriotism visited America, would be the last man to assert that the people of that country—who in principle, at least, have given in their adhesion to secret voting, however defective their machinery may be—are in any respect less worthy of the character of possessing freedom, independence, and boldness than we are ourselves. Everyone of our colonies has adopted this system. ["No!"] What colony have we which has not adopted it? [Sir STAFFORD NORTHCOTE: Canada.] Well, I will leave that, and speak of the case of foreign countries. In many European countries new Constitutions have been founded, and free government has taken root, and I believe in everyone of those countries, without any conspicuous exception, this system of secret voting has been adopted. I think the weight of authority is no inconsiderable element in determining a case of this kind with respect to the effectiveness of secret voting in curing those great and glaring evils which attach, and confessedly attach, to our own established system. The hon. Gentleman said that these evils are diminishing, and the argument on the other side has mainly depended upon that assumption. But what authority is there for saying so? Here is the Report of the Committee. We may speak of that or of our own experience, and I say that I know no reason for asserting, as far as general experience is concerned, that these evils have diminished in this country. At least, what will you say with respect to intimidation? Has there ever been in the memory of any of us a case so painful as that of Blackburn with regard to the intimidation of voters. [Mr. BIRLEY: Oh, oh!] There is no

doubt the hon. Gentleman who says "Oh" is aware of some such case; but I am aware of none. [Mr. BIRLEY: I am sure the case of Blackburn is not the worst.] I speak from the evidence adduced before the Committee from the documents printed in Blackburn, and signed by parties; and I do not believe that any defence has ever been set up by the parties who first moved in the case of Blackburn, except the allegation that the other party was just as bad, and if so, the circumstance, far from being a reply to, is only a confirmation of my assertion. But it is much more important to refer to the testimony of the Committee. If these evils have diminished, why have not the Committee reported the fact? If there be those who sat on the Committee, and who think these evils have diminished, why did they not ask the Committee to report the fact? There is not, either in the Report itself or in the Motions or Amendments through which the discussion of that Report passed, the slightest trace of any attempt to establish the proposition that these evils had diminished. What does the Committee say to intimidation?—

"It is certain that whether intimidation is extensively practised or not, the fear of it widely prevails among that class of voters who are liable to its influences. There exists during the canvass in most boroughs a system of working upon voters by private considerations, interest, hope, or fear for political purposes, and this system enables undue influence, if in a modified form, to be constantly practised."

That is the Report of the Committee for England. Now, what is their Report for Ireland?—

"Organized mobs also appear to be an almost generally recognized part of the system of conducting an Irish election. The employment of troops in aid of the police is the ordinary rule at an Irish election. Notwithstanding these precautions scenes of violence, including loss of life, are not unfrequent."

I am selecting passages as I go along; but I do not think that I misrepresent in the slightest degree the tenour of the Report—

"We are convinced that, under the present system of conducting elections, there exists in many boroughs and counties in Ireland no real freedom of election, and we consider that some change is urgently required."

That is the unanimous Report of the Committee. And it is under these circumstances that the hon. and learned Gentleman the junior Member for the Uni-

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versity of Dublin (Mr. Plunket) makes a touching appeal to us. After the great legislative measures of last Session—and I thank him from the bottom of my heart for the sagacious as well as candid admission he made with regard to those recent measures—it is singular, indeed, that he should, under the circumstances and with this Report in his hand, address to us an appeal beseeching us to spare Ireland the agitation and disturbance which would follow the introduction of secret voting. We have heard of acts of gross cruelty perpetrated in the name of religion, and of horrible crimes committed in the name of freedom; and now the hon. and learned Gentleman appeals to us in the name of tranquillity and repose to suffer the continuance of a system under which in Ireland, owing to the constant prevalence of riot and disturbance, we are unanimously told by our Committee, that in many boroughs and counties there is no such thing at all as freedom of election. I really think hon. Gentlemen must see that, under these circumstances, it is too late to say—"We are now passing through an experiment; wait for more experience; we have only been debating this subject for 40 years; we have plenty of time on our hands; it is a God-send to have anything to fill up our vacant hours; and therefore let us postpone the subject in order that it may be dealt with in future years." On the contrary, we say that so far from being ill-timed, the time chosen for the introduction of this measure is eminently appropriate, because it comes at a period when we have no distinct proof of the diminution of the disposition to abuse power either by the use of money or by threats; and when in respect to the composition of our constituency it is perfectly undeniable that we have introduced into it largely classes of voters far less able than those who formerly constituted the mass of the body to defend themselves against such undue proceedings. I am not at all ashamed of having said, and I say it again, that this is a choice of evils. I do not say that the proposal for secret voting is open to no objections whatever. I admit that open voting has its merits as well as its evils. One of its merits is that it enables a man to discharge a noble duty in the noblest manner. But what are its demerits? That by marking his vote you expose the

voter to be tempted through his cupidity and through his fears. We propose by secret voting to greatly diminish the first of these evils, and we hope to take away the second. We do not believe that the disposition to bribe can operate with anything like its present force when the means of tracing the effect of the bribe are taken away, because men will not pay for that which they do not know they will ever receive. We are strongly convinced that, with regard to intimidation, the effect will be still more marked. My hon. Friend thinks it is enough for him to say that he denies this. He may deny it; but we have in our hands the Report of a Committee, including hon. Gentlemen who sit near him, and who agree to the Report. What do they say on the subject of the tendency of secret voting with regard to bribery and intimidation? The right hon. Gentleman stands upon theoretical arguments, and a most ingenious argument he has used to show how the over-looker in a mill will find out the opinions of a man and will endeavour to keep him from the poll. But we are not reduced to standing merely upon these fine-spun theories, for we have here the unanimous testimony of the Committee—

"We have endeavoured to extend our inquiry beyond the theoretical arguments which are usually employed by the advocates and the opponents of the Ballot, and to ascertain how it has worked in the British colonies and in foreign States where it has been adopted. With this view we have examined witnesses from Victoria, New South Wales, South Australia, and Tasmania. We have also received evidence as to the system in France, Italy, and Greece. The weight of this evidence has been to prove that in those countries where the system of the Ballot is in operation the poll is taken without intimidation, riot, or disorder."

That is important evidence against my right hon. Friend, who give us his opinion without having taken any evidence at all. This is the unanimous opinion of a Committee impartially constituted from all sides of the House. [Mr. ASSHETON CROSS: I believe I moved an Amendment at the end.] I rather think not. Did anybody support it? My impression is certainly that there was no vote taken upon either of these paragraphs. I believe I am justified in quoting it as the unanimous opinion of the Committee. But is it really true that all the good of open voting will be taken away by the introduction of the

Ballot? Why is every man to conceal his political opinions? What is the Ballot? The Ballot is not a compulsion to conceal your vote, or a compulsion not to declare your vote. Why are we to suppose that independent electors will adopt a more covert line of political action than they do now? The Ballot gives virtually an option of secret voting to those who may desire it. Let us consider how this would work, and consider it with reference to the three classes of electors. First of all, with regard to that very large proportion of the electors of this country who are both honest and independent. So far as they are concerned, I take it that the difference will be extremely small. They will make known, I believe, as thoroughly as they do now, the sentiments they entertain, and I am not aware that their position will be altered. We sometimes hear an argument on the other side that the most honest men could not be trusted, as if honour in men was quite impossible. As regards these men, I am not aware of any change that will take place in consequence of the change in the mode of voting. Then I take the bad men, those whom the hon. Member for the University of Cambridge (Mr. B. Hope) calls liars and sneaks. He said undoubtedly that the Ballot would convert whole constituencies into liars and sneaks. All the constituencies of the world, pretty nearly, with the exception of Canada, have been converted into liars and sneaks! Why is there to be a demoralizing influence on the character of good men? If you ask me as to bad men, I freely admit that the Ballot would give them additional opportunities of evil. It will be possible for a scoundrel to profess love and attachment at the moment when he is gratifying, so far as voting enables him to gratify, hatred or spite. But we are not now legislating for convicts. We are not dealing with subjects of a penal law. We are legislating for a high-spirited, upright, and industrious community. A bad man is an exception in such a community, and not the rule. In addition to the two classes I have mentioned, there are large bodies of men who, being honest, are nevertheless dependent and weak. What happens to these men under the system of open voting? Bribery and pressure brought to bear upon them. Do you think that

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falsification will be confined to the Ballot. Under secret voting falsification will be confined to bad men; but with the facts before us, what number of weak men, what number of men unable to become martyrs, what number of men who cannot bear the apprehension of losing their custom and their livelihood with the loss of bread for wife and children, what number of these are there who not only tell a lie but act a lie, in consequence of that invasion of conscience which the system of open voting both permits and facilitates? As to voters who dissemble, the saying *Quod non es simulas, dissimulasque quod es*, is applicable to a far larger number under the system that now prevails than it would be under a system of secret voting. One word in answer to the argument of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), who said that at present it is the individual that offends, and that the law at any rate is pure. That appears to me the exact converse of the truth. When, unfortunately, you have a large number of weak and dependent voters it is the law that becomes the stumbling-block; it is the law that leads the voter into temptation, and makes him offend by exposing him to a pressure which, as a rule, he cannot—and you cannot expect him to be able to—meet. It is all very fine for us to stand here and talk of the nobleness and beauty of acting up to our convictions, and voting openly, as we think right. That is, no doubt, a very noble and beautiful thing, and hon. Gentlemen here may easily do it. But to do that in the station of life to which probably now a majority of our town voters belong is a very different affair; and my right hon. Friend himself has said it requires the courage of a martyr. But you have no right to expect from the ordinary average wayfarer in this world, earning his bread by his labour from day to day, to be either a martyr or a hero. If you choose to put upon him the discharge of duties which in his circumstances, though not in themselves, are so difficult that you cannot expect him to meet the demand made upon him, then you, more than himself, are the occasion of his fall. On the contrary, when you enact secret voting you simply give to that class of men the means of protecting themselves. Under

that law the bad man may avail himself of its shelter in order to pretend to feelings which he does not entertain. But he does that voluntarily; he cannot be compelled to do so. The law is good, and the abuse is in the individual; whereas now, although I do not deny that the abuse is that of the individual, the law offers the occasion for the abuse, and is responsible for the greater part of it. I think, then, we may fairly say without exaggeration—in fact, it stands on the unanimous Report of the Committee of this House—that, as compared with those evils which mark our system of elections, secret voting offers a very considerable balance of good. When my right hon. Friend near me (Mr. W. E. Forster) in his able speech referred to the opinion of the voters who now have been admitted to the exercise of the franchise in towns, he did not intend to refer to it as apart from the merits of the case, and I have endeavoured to show that their opinion, with respect to which, as a matter of fact, I apprehend there is no doubt, is well founded in the facts of the case, because it is founded in their consciousness of weakness, and in their desire to be let alone, and to be placed in a position where they may freely exercise the franchise we have given them. It is admitted, at all events, that by this Bill we may get rid of riot and disorder. I am sanguine enough to hope, not that we shall at once get rid of canvassing, but that in all possibility it will receive its death blow, and that that which has hitherto been the proud privilege of one constituency alone in this country, the constituency of the University of Oxford, will gradually come to be the rule of all the constituencies, because if canvassing is attended with incidental advantages—and that I do not deny—it is a matter in which the evil very greatly outweighs the good. With reference, then, to riot and disorder, the case is almost admitted. With respect to bribery and intimidation, I must appeal partly—mainly, perhaps—to the opinion of the majority of the House; but undoubtedly I found that opinion on the Report of the Committee; and I claim also that we have from the speeches of hon. Gentlemen opposite, and especially from the speech of my right hon. Friend (Sir Stafford Northcote), a clear admission that in the position of the constituencies

as it has been recently regulated, there is an increased necessity for provisions for a system of purity and tranquillity at elections which we are attempting to make what my right hon. Friend has admitted to be necessary, but for which he does not attempt to provide. Let us therefore go forward without the least hesitation in the work which, be it recollected, this Parliament began from the very moment it commenced its sittings; and let us now endeavour to present the people of England with what I at least believe to be the valuable gift—though it may not be obtained without certain sacrifices—the valuable gift of a law which will enable them, when they proceed to the exercise of a great constitutional power, to deal with it, not merely as a possession, in too many cases nominally their own, but in reality held at the will of another, but as a possession which they are to administer according to their own sense of public duty, and in every sense as absolutely free.

MR. PLUNKET asked the permission of the House to make a personal explanation. He said the right hon. Gentleman who had just sat down had made a statement which, he was sure, quite unintentionally, had misrepresented his speech the other evening. Owing to the late hour at which he spoke, the report did not agree with what he said. The right hon. Gentleman adopted the error in the report, and referred to him as having given an approval to his Irish policy. When he spoke the other evening, the words he used were these—

“He did not wish to be misunderstood. He had always opposed the Church Bill, both for what it did, and for what it threatened, but knowing that this evil had been committed, he did desire to reap the good that might follow.”

He had afterwards gone on to say that good would follow, not as overbalancing the evil, but as some set-off against it.

MR. GLADSTONE said, he would have been extremely grieved to misrepresent the hon. and learned Member, and he made his remarks on what fell from him sufficiently general that he might not misrepresent him. But in his reference to Ireland, where he predicted good, the hon. and learned Member had referred to the Land Bill as well as the Church Bill.

MR. DISRAELI: I hope the House will not think it unreasonable that I

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should rise and ask their attention for a short time, as my conduct and my remarks have been made the subject of many observations from more than one Member of the Cabinet, and the right hon. Gentleman himself. I trust you will not think it unreasonable that at the end—not at the end, but at this period of a protracted debate—I should request the permission of the House to make some observations on a public subject of paramount importance. We had early in the evening an able and agreeable speech from the hon. Member for Waterford (Mr. Osborne), in which he treated us to several archæological details with respect to the antiquity of the Ballot. The hon. Gentleman corrected those cruder assumptions which had been prevalent on both sides of the House that the Ballot is an innovation, and that it had been introduced to political consideration only very recently. He referred in dealing with the subject to a proclamation. [MR. OSBORNE: An Order in Council.] Well, there is very little difference between a proclamation and an Order in Council, and the hon. Gentleman referred to this Order in Council in the days of Charles I. with the view—the admirable view—of identifying the opinions of those who sit on this side of the House with the political sentiments of that Monarch. He, accordingly, was cheered by his friends; but I would suggest to him that if he had continued his archæological researches on this subject, he would have been able in a more authentic mode to find some very instructive information on the question of the Ballot with regard to this House. He would have discovered, if he had referred to the Journals of the House at a period not very distant from that from which his Order in Council dates, that it was proposed that Members of Parliament should be elected by the Ballot-box; that a Motion to that effect was made, discussed, and negatived by a considerable majority; more than two to one. That occurred in the most memorable Parliament that ever sat in England—the Long Parliament. Now, whatever may be our opinion of the conduct of many public questions by the Long Parliament, all of us will, I think, agree that its Members were as a body devoted to public liberty, and that it was an assembly of Englishmen which showed a greater

capacity to govern probably than any Parliament which we ever had. Yet the Resolution which I have just mentioned was that at which it arrived. It is unnecessary, therefore, to go back to the times of Charles I., for we can appeal to our own Journals and the proceedings of the most memorable Parliament which ever sat in England, and there we shall find a condemnation of the Ballot. But it may be said that the discussion to which I am referring was held in 1650, and that the vote was taken when the Long Parliament was in its decline, and had lost many of its greatest ornaments. Well, it is true that Hampden and Hyde were not Members of it in 1650, and that it had been deprived of the services of Falkland and Pym; but they left men of great mark behind them, men in many respects their equals; several of whom were their pupils. And if some distinguished men were absent, the political experience of those who decided on the question of the Ballot had been, at all events, very much increased, for among those who took part in the debate were Levellers, Antinomians, Fifth Monarchy men, and members of that celebrated society which only a few days previously arrived at the conclusion that it was contrary to the first principles of Christianity to pay rent. That experience, in my opinion, compensated for the comparative thinness of the ranks of the Long Parliament in 1650, and the absence of some of those distinguished men who were once its greatest ornaments. Well, with this increased experience they came to the decision I have mentioned, and they arrived at it because they were of opinion that the franchise was a great political privilege granted to the elector by the Commonwealth for the common good, and that there was no security for its full enjoyment and exercise except publicity. They wished it, therefore, to be exercised, not to satisfy the self-complacency of the individual, but with a due respect for common sense and the public opinion of the country, and influenced by all those doctrines and all that discipline of party which they believed to be one of the best securities for public liberty. The men of that time were devoted to principles of Democracy, but they had the advantage of being acquainted with its errors and even with its excesses. But they felt there was in the great

principle of Government they upheld—the Democratic principle—something which in their eyes excused many errors and palliated many excesses, and that was the public spirit it created in a community, and without which it believed that no community could prosper. But what is now the system we are recommended to adopt? We announce ourselves as trembling at the accession of Democracy. It is from our fears of Democracy that we are recommending this new policy. Yet we are professing a plan which allows Democracy to commit all the errors which the Long Parliament was aware of, and all the excesses which were practised by them at the very time they conducted this debate, and we are taking steps to destroy the very principle which, in their view, compensated for these errors and excesses, and was the best security for public liberty. I remember the modern origin of the question of the Ballot, and it happened in this wise:—The Reform Bill of Lord Grey was carried by the English counties. At the dissolution of 1831 I am not sure that a Tory county Member kept his seat except the noble Lord who filled the seat which I now occupy, and who fortunately remained in Parliament and proposed the Chandos Clause. The managers of the Liberal party, who were then men of great energy and acuteness, but not particularly acquainted with rural life, assumed, as a consequence, that the county Members would always be ready to support what they called a Liberal Government, and that the same demonstration in favour of their principles which carried the Reform Bill might always be relied on. They were, therefore, extremely disappointed when, after the first election under the new Act, they found that a great many Conservative county Members were returned. Of course, it was necessary to account for a consequence so mortifying and so disappointing; and it was decided that it resulted from coercion of the new class of county voters, the £50 tenants-at-will, admitted under the Chandos Clause. I have no doubt there were many worthy men who were extremely ignorant on this subject, but were perfectly sincere in their asseverations, and I have no doubt there were other men who were not ignorant but found it convenient to join in the same chorus. In that way a public cry was raised, and it raged for about 20 years, that Members

in this House were returned by the coercion of landlords, through the influence of the Chandos tenant-at-will clause. That was the origin of the cry for the Ballot; it was upon that new state of affairs that Mr. Grote principally founded his demand for the Ballot in his first speech; and this was the reason that, year after year, you had Motions made in this House to reduce the county franchise and terminate the coercion of the landlords. I never for a moment gave the slightest credit to that clamour. Looking at the statistics of the county constituencies, it appeared to me perfectly impossible that the views which were then held out by what was called the great Liberal party in this respect could have any foundation. What were the facts? There were more than 500,000 of county voters, and at no time did the number of the registered tenants-at-will exceed more than 100,000. How was it possible that 100,000 tenants-at-will could control the voice of 400,000 freeholders? But if we admit that those 100,000 tenants-at-will, instead of being generally loyal and independent men, were really under the control of their landlords, we must remember that the land of England is divided between the two great parties in the country, and therefore the united decision of this body of 100,000 tenants-at-will never could be brought in favour of one particular policy; but those men would always be ranged in antagonistic camps. As time went on these views began to prevail. But when the Act of 1867 was passed, and 300,000 voters were admitted to the county franchise, representing all the various elements of the counties and all their various trades—and, as I have had occasion to show to the House, there are more trades carried on in the counties than in the towns, and some of them on an extensive scale—when this multitudinous and multifarious body of men were brought into the county franchise, and the election took place, there was the same result, which perhaps was rather aggravating. There was an end of a delusion which for 25 years had been the principal foundation of this claim for election by Ballot. Here we now have a debate, which has lasted three nights, on the vote by Ballot, and no Member who has addressed the House has even hinted at, or alluded to, the subject which used to be the avowed and

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principal ground for this great change in our constitutional system. It has taken 25 years to show the absurdity and complete hollowness of that plea, which vexed Parliament and the country for so long a period. No one pretends now that any change in the Constitution is required because squires have coerced their tenants-at-will, and by coercion have overpowered the will of 100,000 tenants, of 400,000 freeholders, and of 300,000 miscellaneous voters in the counties. What do we hear of the landlords of Scotland? I have not heard that the oppressive conduct of the landlords of Scotland has influenced the elections in a manner which calls for the interference of the House in the establishment of the Ballot. I have not heard that the influence of the Scottish lairds has been so overwhelming that it is necessary for us to take care that something else is represented in Scotland besides the interest of the landlords of that country. I should say I wish the Scotch landlords would use a little more of their influence, and a little less of something else. Well, there is the Irish landlord. You have had the squire, the Scottish laird, and now the Irish landlord. The conduct of the Irish landlord was of so decided a character, so hostile to the liberties and rights of the electors, that it was a figure always painted and always brought to our convictions. But nobody pretends now that the Irish landlord can perform any of these acts which I dare say were falsely attributed to him, and all will agree that—to quote the favourite expression of the right hon. Gentleman—in consequence of “recent legislation,” certainly the Irish landlord may be considered as innocuous as the English landlord or the Scotch laird. Well, then, the whole framework upon which this great constitutional change was recommended, and which in old days was to save us from the deleterious coercion of the proprietors of land upon their tenants, actually disappears from the scene under the influence of the Parliamentary conscience and conviction. But the scene is changed. It is not the landlord who tyrannizes over his tenant any longer—it is our own friend the manufacturer—that mild and prosperous, truly liberal, and enlightened man, who was always voting for the reduction of the county franchise. He is brought forward to us now as the oppressor of those whom he

employs, and it is to guard against his influence—his injurious, and perhaps unprincipled influence—that we must entertain the Ballot. I have listened to the speeches in this debate, and I confess myself inclined to hesitate in my decision in this respect. One gentleman rises and says—“ You see how necessary is the Ballot; there is a General Election; ” and the picture drawn reminds us of that famous work of art in which a great actor is between two geniuses—there is the employer on the one side and the foreman on the other, and the workman between the two is asked for his vote. Who, under such influence, can be considered a free agent? Who, in such a position, can be called upon to register his decision as to the policy of the country? But then the speaker is followed by another hon. Member, who says—“ The Ballot is wanted decidedly in the towns; but it is wanted to protect the employer and the foreman from the influences of the organized mechanics. Were ever two such contrary reasons given for the change that is now recommended? I come to this decision—that the employer of labour in towns, and the foreman, and the mechanic are all quite strong enough to take care of themselves. I will not say that there is no class in the country that is in favour of the Ballot. I think that if you were to go to the rural districts, and ask the population there whether they required it or not they would hardly listen to you while you spoke to them. I believe that the great centres of industry in the towns—certainly the working classes—are too independent to care for the Ballot. But there is a class who always want the Ballot, and that is the small tradesmen in the towns. It is a respectable class—a class of many virtues, but I do not think it is a class that ought to give a tone to the political life of the country. I say this the more because it has always appeared to me that the desire of the Ballot by the class of small tradesmen is founded upon a perverse and even morbid sentiment. No trade has so great vicissitudes as the retail trade; the retail trader is the victim of the caprice of his customers; he is subject to the adroit competition of unscrupulous rivals, and sometimes he is assailed by the emulation of co-operative stores. The consequence is that the vicissitudes of the retail trader are very considerable, and

when the small tradesman makes up his accounts and he finds that he has lost a customer here and a customer there, the way in which he accounts for it is not by considering the caprice of human nature or the skilful competition of his rival, but by remembering some promise which he made, and which he did not fulfil at the last General Election. It is a mania, a weakness which pervades the class; they really believe that Mr. Blank and Lady Dash have withdrawn their custom because a year ago they gave an ambiguous answer to an appeal; while the persons themselves no doubt have entirely forgotten the incident, have withdrawn their custom for an entirely different reason, and are probably dealing with a tradesman of entirely different opinions from themselves. So much for intimidation. You have given up the old story of the great intimidation exercised by the proprietor of land over the tenant. [“ No, no ! ”] Well, who are the proprietors of land who practise it? [An hon. MEMBER: The Welsh.] I see no results in the Welsh counties to give you an idea that the proprietors of land are as powerful as the occupiers of land. I believe there is as much independence in the Principality as there is in any part of England; and, therefore, I cannot see that it is necessary, or that it is there thought necessary, that we should change the law of the country in order to protect those who hold opinions they cannot openly proclaim. Generally speaking, the great source of complaint on which you found your recommendation of this vast change, so far as the influence of the landowners upon the tenants of Wales is concerned, is blotted out of the book. When you come to the towns, it is quite clear from this discussion there is no case whatever. I believe that the honest industry of the working classes in the towns, especially the great ones, has an influence more powerful than anything that can be brought against them. But we are told that there is a great deal of bribery, and I am sorry to hear from some of the most authoritative champions of the Ballot that we must prepare for a great deal of bribery even if the Ballot is accepted. I will not pretend that I think the public morality of England is unimpeachable, for no doubt it is not altogether free from some amount of cant; but I venture to say it has an absolute quality,

and a negative one. I think you must look, generally speaking, to the public morality of the country to prevent bribery, to check drunkenness, and to put an end to many anomalies and injurious circumstances with which legislation cannot skilfully or adequately deal. I think few will deny that public opinion in this country is with respect to bribery in a much more healthy condition at the present time than it was 10 years ago; but I make this admission frankly, that from peculiar circumstances bribery is a crime with which you are occasionally obliged in this country to deal by legislation, because political bribery or Parliamentary corruption is a fitful quality in England. It comes, perhaps, periodically, but at particular times in our history. Whenever a very powerful and wealthy class arises in this country—and in a country of great commercial enterprise and energy, and where wealth is accumulated rich classes will periodically appear—nothing can prevent it asserting a claim to the possession of political power; and whenever a new class of that kind arises you always find that bribery is rife when an election is held. It was so in the time of Sir Robert Walpole, when there were the Turkey merchants, men who had made great fortunes; they attacked all the boroughs, and turned the country gentlemen out. Then followed the Nabobs—men who had made great fortunes in India, and after them came the West Indian planters, and, in the time of that war, the Government loan merchants; but I believe that at no period has this country ever been more free in its Parliamentary affairs from bribery than it was in the years that immediately preceded the Reform Bill of Lord Grey. It happened to be in a time of tranquillity, when no great changes were occurring, and when no new class was treading upon the heels of those in power, and when the elections of Members for this House were purer than usual. It shows that we are not making progress; but that it is a fitful influence in our political life—namely, the employment of corrupt means to obtain a seat in this House. We have had the age of railway directors; we have had the age of the great contractors for public works; and we have had the age of nuggets; and, in the experience of Gentlemen now sitting in this House, we have had

elections which were a disgrace to the country. But you have dealt with these evils as you maintain efficiently, by means, or what is termed, in the fashionable phrase of hon. Gentlemen opposite, recent legislation. The hon. and learned Member for Taunton (Mr. James), who addressed the House with so much ability the other evening in favour of the Ballot, although I thought he accumulated very adroitly many arguments which, in my opinion, would have led to a conclusion different from that which he drew from them, as well as the noble Lord the Postmaster General [*Laughter*]
—really the Members of Her Majesty's Government change their places so often that it is difficult sometimes to remember what office they hold—as well as the noble Lord the Chief Secretary for Ireland were wrong in testing the character of the Act of 1868 against bribery by instituting a comparison between the efficiency of an investigation conducted by a Parliamentary Committee and a judicial investigation conducted by the Judges of the land. For myself, from my own experience in Parliamentary Committees, I must say I prefer a judicial investigation. But the character of the investigating tribunal in that Act is but of secondary importance. What was so efficient in that Act, and what dealt such a deadly blow against bribery, and what, if persisted in, will terminate bribery altogether, was the provision which insured a local investigation of the matter. It is the provision for local investigation which has so greatly checked bribery, and which I believe, with the experience to be gained in another election, we shall recognize as having effectually terminated it. I will not make any remarks upon the opinions of the Judges which have so often been referred to in the course of this debate, and will merely say that I have had on the subject of the Act of 1868 a very extensive correspondence, and frequent communications with election agents holding opposite political views, regarding the improvement which should be made in the procedure in elections. But there is one point on which they all agree; they all say that if we uphold this law so far as regards local investigation, bribery must be put an end to, and that immediately. I believe it received a deadly blow at the last General Election. Even hon. Gentlemen opposite will admit that—al-

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though political passions ran high, and the struggle was great throughout the country, there never was a General Election in which there was less bribery known, and I believe at the next Election you will find that the law has been still more efficient. Well, it is under these circumstances that you are asking us to make a great change in our constitutional system, in order to terminate an evil which I maintain that you have powerfully and effectually grappled with; and if anything can invalidate the influence of that Act, it is, perhaps, your having recourse to election by Ballot; because, no doubt, with respect to bribery, as with respect to personation, the difficulties of detection will be much increased if you have secret instead of open voting. Then, as regards intimidation and as regards bribery; taking a large and general view of the subject, all those circumstances which, 30 or 40 years ago, although they might not have adequately proved its necessity, yet justified the proposal of secret voting, have either entirely ceased or have been encountered in a manner which must insure their vanishing from our political practices. Well, it is unnecessary for me to dwell on the question of personation, because every gentleman who has reflected for a moment on the subject must feel that personation, at any rate, must be much more easy under secret than under open voting. I thought that the argument of the hon. and learned Member for Taunton on this head was singularly unsatisfactory as far as the result he wished to establish went. The hon. and learned Gentleman said—

"Why, you see what few scrutinies there are: and because there are few scrutinies there must be little personation."

Of course, under an open system of voting, there must be a limit to personation; and, of course, there would be few scrutinies, of which people are not very fond. But it appears to me that, in the exact ratio in which it is easy to detect personation under open voting, it will be difficult to detect it under secret voting. Nor can I understand where we are to find the Quixotic individuals who will pursue the secret personator any more than the secret bribee—who will take the trouble of finding an inducement for any person to convict shadows so flimsy as those who will indulge in these practices under the cover of secrecy. Then

I want to know where are the substantial grounds upon which we are called to make this great change. I wish the House to observe that the Prime Minister and the Vice President of the Committee of Council have not placed the expediency of sanctioning this great change in our constitutional system either upon intimidation, bribery, or personation. They have really not condescended to bring forward these pleas as the solid foundation of their advice. They have only one cry, and that is—"recent legislation." It is in consequence of recent legislation, says the Prime Minister; it is in consequence of the Reform Act of 1867, says the Vice President of the Council—that Act which, he always informs us, he had great pleasure in assisting me to pass; but I do not understand that pleasure was shared by the Prime Minister, or that he contributed to that assistance. Well, the Prime Minister has, since the passing of that Act, very decidedly and repeatedly informed us that, in consequence of recent legislation, exemplified in the Reform Act of 1867, the position of the question of the Ballot has been largely altered. The right hon. Gentleman for 40 years opposed the Ballot in this House on the ground, asserted by Lord Palmerston, that the franchise was a trust. I will not enter into the argument whether the franchise is a trust or not, but will take the evidence of the right hon. Gentleman. He opposed the Ballot for 40 years, because he had looked upon the suffrage as a trust; but in consequence of recent legislation—that is, the Act of 1867—he says the trust has ceased to exist; it is no longer a trust. Now, let us see whether there is any foundation for this statement. When the right hon. Gentleman announced his conversion, he said—

"The position of the question has been very largely altered by the extension of the constituency. Let us consider what that extension is; it is an extension nominally from a £10 suffrage to household suffrage, but really, virtually, and in principle an extension that is unlimited. When we have adopted household suffrage, we have, I think, practically adopted the principle that every man who is not disabled in point of age, of crime, of poverty, or through some other positive disqualification, is politically competent to exercise the suffrage."—[3 *Hansard*, cciii. 1030.]

That is a statement of very great importance coming from such a quarter; and it is of the highest interest to the

House that it should have before it the fact that the right hon. Gentleman, after having for 40 years opposed the Ballot on the ground that the suffrage was a trust, has changed that opinion in consequence of the Reform Act of 1867 having conferred what he regards as virtually an unlimited suffrage, and therefore the franchise can no longer be considered as a trust.

MR. GLADSTONE: I never said that.

MR. DISRAELI: I take the language from the official report.

MR. GLADSTONE: I did not say it was no longer a trust.

MR. DISRAELI: Well, the right hon. Gentleman begins to acknowledge it is a trust. I think I have stated the case fairly. I have taken your language from the authoritative and corrected reports.

MR. GLADSTONE: Not corrected.

MR. DISRAELI: I think they ought to be corrected, then. However, there is no doubt that the right hon. Gentleman opposed the Ballot on a particular principle, never mind what; but at present, as he says, all the circumstances have changed, and the change involves, according to his own admission, an "unlimited" extension to the franchise. Now, let us see, in the first place, what is this change, because we are told constantly, not only in this House, but out of it, and especially by the Vice President of the Council, who speaks in the most awful and solemn tones, in different parts of the country as well as in his place in Parliament, that some tremendous revolution has occurred; that this is the householders' Parliament, and that we are no longer elected upon the old principles of the British Constitution. An hon. Member who addressed the House in a very able speech has also given a description of the Parliament of 1865, and contrasted it with that of 1868. The Parliament of 1865, according to him, represented the golden age of Parliaments. It was worth while then to be a Member of Parliament. You had a dignity and a position then as a representative of the people. What a contrast to the present Parliament! No sooner, he says, was the Act of 1867 passed than the Parliament of 1868 began the work of revolution by disestablishing the Irish Church. My hon. Friend, however, quite forgets that in the golden age of which he speaks the

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Parliament elected in 1865 by the old constituencies passed the Resolution for disestablishing the Irish Church by an immense majority. I must therefore vindicate what I think, on the whole, is a very innocent Parliament from these imputations. The present Parliament may have committed errors; but that is the result of the pledges made on the hustings through the impolitic vote given by the Parliament of 1865. Now, we have a very late Return of the constituency of England. It is a registration under the new Act in 1868. I only take England, because there are no Returns of the constituencies in Ireland and Scotland. If I could give the constituencies there also and base my statement on the constituency of the United Kingdom, the view which I wish to place before the House would be greatly enforced, because the constituency of Scotland and England does not bear so near a relation to the population as the constituency of England and Wales. Taking England and Wales alone, I find that in 1868 the constituency was upwards of 2,000,000, or 2,000,000 in round numbers. This was the nominal state of things; but 10 per cent must be deducted for plural votes and other casualties of the registrar, which would leave the constituencies, under the new system, for England and Wales 1,800,000. Now, what is the population of England? We have now the advantage of discussing this question with the results of the new Census. The population is now 22,700,000 in round numbers. Well, at the first blush a constituency of 1,800,000 for a population of 22,700,000 has not, I think, a very revolutionary aspect. But from this population there must be deducted the females and minors, which leaves a male adult population of 5,753,000 with a constituency of 1,800,000. Well, I ask the House whether I shall pursue the analysis? I ask whether those facts justify the statement of the right hon. Gentleman? I ask the House whether the right hon. Gentleman, who, for 40 years, opposed the Ballot because the suffrage was a trust, can find in these figures any vindication of the change in his opinion to the view that the franchise is a trust no longer? The analysis, however, must be pressed a little further. I am aware I am trespassing upon the House at this late hour; but I feel bound to pursue this analysis. This

1,800,000 must be divided fairly between the old and the new constituencies. If the number be rigidly divided the majority would be with the old constituency. The new constituency I have to deal with amounts to 900,000; but from that you must deduct the 300,000 voters who have been added to the county franchise, for they, at any rate, do not constitute the revolutionary element which has occasioned the change in the mind of the Prime Minister. There will then remain 600,000 electors, of whom 300,000 were proposed as electors in the Bill which the right hon. Gentleman brought into this House as the organ of Lord Russell's Government, and night after night the right hon. Gentleman expended all the resources of his inexhaustible eloquence in proving to us that their introduction to the franchise would be most beneficial and pure, and he made the proposition consistent with his conviction that the franchise was still a trust. Well, then, it is because the last 300,000 voters have been admitted that the right hon. Gentleman has found a ground for this monstrous conversion. But why were they admitted? Because by admitting those 300,000 men you placed your franchise on a fixed principle, and I believe an enduring one—not on a £10, an £8, a £7, a £6, or a £5 qualification, which would have shifted every year, but on a fixed principle and on an enduring foundation. What are those principles? Are these men caught in the street and allowed to put their names on the Parliamentary register without qualification? Why, there is not a single elector who has not more than one qualification before he can exercise the vote. Even the householder of the town must have a house, he must be rated, and he must have a very long residence before he can exercise the vote. With regard to the other electors the qualifications are higher and more various. All this is in complete harmony with the principles of the English Constitution, and there is not a single voter who is not a qualified voter and who does not vote in virtue of a qualification which it is not easy to obtain without a character and without energy. Here, Sir, I must say that in all the exaggerations which I traced in the speech of the right hon. Gentleman to-night I heard nothing more monstrous than his description of the Bill of 1867.

He said that when we made our first proposition we only proposed an addition of 120,000 voters. [Mr. GLADSTONE: I ought to have said borough electors.] No doubt the right hon. Gentleman ought to have said so; but that is a very important qualification. However, I have something more to say. I remember the speech delivered by the right hon. Gentleman on the subject of borough voters, when, with that mixture of genius and vexation which inspired him during the whole of that Session, he did make a monstrous calculation that the borough voters only amounted to 120,000. Still no one in the House, except the right hon. Gentleman himself, accepted that calculation. I say there was no time when under the Bill of 1867 the increase of the constituency would have been less than 500,000, and, therefore, nothing can be more disingenuous than that statement of the right hon. Gentleman, though I ought not to say so, as he has now corrected it. So much for the real position which Her Majesty's Government have taken up with regard to the question of the Ballot. They are recommending it to us not for any of the reasons which influenced Mr. Grote. I knew well Mr. Grote. He was an admirable man, and long my colleague in affairs not less interesting than those which occur in this House. I remember I was also in Parliament with him many years, and I remember his conduct on this question. I say without hesitation that all the considerations that existed and influenced Mr. Grote when he urged the Ballot have ceased to exist. The Government have brought forward this question solely on the ground that it has been rendered necessary by recent legislation, and I think I have shown to the House to-night how flimsy and how utterly fallacious is that plea. It was said that among the other evils which the Act of 1867 would produce it would bring in a very dangerous Parliament. It was said—"You will have men who, the moment they take their places, will give Notices of Motion hostile to the institutions of the country. You will have a period and a Parliament of great restlessness, of great innovations, of attack upon all establishments." I am bound to say that, so far as the Members of the new Parliament are concerned, I do not think that those predictions have been at all verified; I think they have

shown themselves to be men of temperate opinions and that they have originated no violent Motions of that character. But there has been one exception in this matter. There has been one Member of Parliament who from the moment he took his seat in it has taken every possible opportunity of oppressing and alarming the public mind with reference to organic changes, and that has been the Prime Minister of England. It was always so from the moment that the Bill was passed; he was always ready to

"Hint a doubt or hesitate dislike."

He began on the hustings, agitating the country against those very clauses which now, he says, have led to so much mischief, and on which last year he told us that household suffrage in the counties would be the inevitable result. [*Cheers.*] I do not think when you have household suffrage in the counties I shall hear that cheer. You wished me to reduce the county franchise. I took you at your word, and recommend you as a friend not to pursue that plan. The right hon. Gentleman the other day talked very glibly of Parliamentary questions which probably would occupy our attention—the nature of the franchise, the distribution of seats, and, above all things, the boundaries of boroughs. [*Laughter.*] I certainly understood that the right hon. Gentleman was himself about to consider the expediency of taking up those questions. I was glad to hear his disclaimer, which, I suppose, is a good disclaimer so far as this Session is concerned. But I must say that I do not think it the duty and part of the Prime Minister of this country to be perpetually dwelling upon the subjects calculated so much to disturb the mind of the country. I think that questions of organic change ought to be dealt with by a person in the position of the right hon. Gentleman with great reserve. But in the present state of affairs, with the recent changes that have occurred, it appears most unwise on the part of the right hon. Gentleman to be encouraging the House to deal speedily with questions of this character. I am myself alarmed at the course which the right hon. Gentleman indicated. I believe that both in the House of Commons and the country generally there is a conviction that with regard to the franchise, the distribution of seats, and boundaries

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of boroughs, I will not say a final, but as permanent a settlement has been made as can be devised by the experience of Parliament. Well, if it be not a wise thing in one occupying the elevated post of the right hon. Gentleman to countenance and encourage such discussions, and such feelings on matters of the kind, I think that this is a time when, above all others, in which it would have become the right hon. Gentleman to have been more reserved. Why, the whole of Europe has not yet recovered from one of the most violent convulsions that ever occurred, and can we suppose for a moment that we have seen the ultimate results of the great events that have happened on the Continent? It would be taking but a superficial view to suppose so. For we are in the infancy of its consequences. New systems of government, new principles of property, every subject that can agitate the minds of nations, have been promulgated and patronized with more effect by sections of the people, especially during the last six months, than hitherto; and it is at the very time when the principles of government, the principles of property, all those things upon which liberty and order alike depend, are called in question, that the Prime Minister of England seizes the opportunity of intimating to the Parliament of this country that there are questions which must occupy their attention, which must greatly affect the distribution of power, which must affect even the principle of property. For the right hon. Gentleman chose this happy season only a few weeks ago to say that the tenure of property was a question which must be considered in the House of Commons. Well, I protest entirely against such a course. I do not think it worthy of the right hon. Gentleman, and I think it most injurious to this country. This arrangement about the Ballot is part of the same system, a system which would dislocate all the machinery of the State, and disturb and agitate the public mind. If, therefore, for no other reason, for that alone I shall resist it under every form and in every manner. But I know to-night we may have to encounter an apparent defeat. [*A laugh.*] Yes, there is a mechanical majority, a majority the result of heedlessness of thought on the part of Members of Parliament who were so full of the Irish Church and of

questions of economy at the last election that they gave pledges in favour of the Ballot without duly considering the question. There are a great number of Gentlemen who when they came into Parliament were opposed to the Ballot, but who in a conciliatory age like this have put aside their opinions, and heedlessly adopted this doctrine. These are the elements of which the mechanical majority is composed; and however triumphant that majority may be to-night, its triumph will be only for the moment. There is a celebrated river which has been the subject of political interest of late, and with which we are all acquainted, which rolls its magnificent volume, clear and pellucid in its course, but which never reaches the ocean; it sinks into mud and morass, and such will be the fate of this mechanical majority. The country is entirely against the proposed change. The conscience of the country is against it. We have had no exhibition out-of-doors of any feeling in favour of it. It is an old-fashioned political expedient; it is not adapted to the circumstances which we have to encounter in the present; and because it has no real foundation of truth or policy it will meet with defeat and discomfiture.

MR. J. FIELDEN moved that this House do now adjourn. He did so because the subject was one of great importance, and he wished to take part in it, which he understood he could not do according to the Rules of the House if he were to move the adjournment of the debate and a division was taken on the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Fielden.)*

MR. GLADSTONE said, he hoped the Motion would not be agreed to. The hon. Gentleman was a good deal younger man than many other hon. Gentlemen present, and was perfectly able to continue the debate even at 2 o'clock in the morning.

Question put.

The House divided:—Ayes 218; Noes 340: Majority 122.

Question again proposed, "That the words proposed to be left out stand part of the Question."

MR. KNIGHT moved that the debate be now adjourned.

COLONEL BERESFORD seconded the Motion.

Motion made, and Question proposed, "That the Debate be now adjourned."—*(Mr. Knight.)*

MR. GLADSTONE opposed the Motion.

Question put, and *negatived*.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 324; Noes 231: Majority 93.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill considered in Committee.

Committee report Progress; to sit again upon *Tuesday* next, at Two of the clock.

AYES.

Acland, T. D.	Brookhurst, W. C.
Adair, H. E.	Brogden, A.
Akroyd, E.	Brown, A. H.
Allen, W. S.	Browne, G. E.
Amory, J. H.	Bruce, Lord C.
Anderson, G.	Bruce, rt. hon. H. A.
Anson, hon. A. H. A.	Bryan, G. L.
Anstruther, Sir R.	Buckley, N.
Antrobus, Sir E.	Buller, Sir E. M.
Armitstead, G.	Bury, Viscount
Ayrton, rt. hon. A. S.	Cadogan, hon. F. W.
Aytoun, R. S.	Callan, P.
Backhouse, E.	Campbell, H.
Bagwell, J.	Candlish, J.
Baines, E.	Cardwell, rt. hon. E.
Baker, R. B. W.	Carington, hn. Capt. W.
Barclay, A. C.	Carnegie, hon. C.
Bass, A.	Carter, Mr. Alderman
Baxter, W. E.	Cartwright, W. C.
Bazley, Sir T.	Castlerosse, Viscount
Beaumont, Captain F.	Cave, T.
Beaumont, H. F.	Cavendish, Lord F. C.
Beaumont, S. A.	Chadwick, D.
Bentall, E. H.	Chambers, M.
Biddulph, M.	Chambers, T.
Blennerhassett, Sir R.	Cholmeley, Captain
Bolelaw, H. W. F.	Cholmeley, Sir M.
Bonham-Carter, J.	Clay, J.
Bouverie, rt. hon. E. P.	Clifford, C. C.
Bowmont, Marquess of	Cogan, rt. hon. W. H. F.
Bowring, E. A.	Coleridge, Sir J. D.
Brady, J.	Collier, Sir R. P.
Brand, rt. hon. H.	Colman, J. J.
Brand, H. R.	Corrigan, Sir D.
Brassey, H. A.	Cowen, J.
Brassey, T.	Cowper, hon. H. F.
Brewer, Dr.	Cowper-Temple, right
Bright, J. (Manchester)	hon. W.
Brinkman, Captain	Craufurd, E. H. J.
Bristowe, S. B.	Crawford, R. W.

Dalrymple, D.	Hartington, Marquess of	Morgan, G. O.	Shaw, R.
Dalway, M. R.	Haviland-Burke, E.	Morley, S.	Shaw, W.
D'Arcy, M. P.	Headlam, rt. hon. T. E.	Morrison, W.	Sheridan, H. B.
Davie, Sir H. R. F.	Henderson, J.	Mundella, A. J.	Sherlock, D.
Davies, R.	Henley, Lord	Muntz, P. H.	Sherriff, A. C.
Dease, E.	Henry, M.	Murphy, N. D.	Simon, Mr. Serjeant
Delahunty, J.	Herbert, hon. A. E. W.	Nicholson, W.	Sinclair, Sir J. G. T.
Denman, hon. G.	Heron, D. C.	Nicol, J. D.	Smith, E.
Dent, J. D.	Hibbert, J. T.	Norwood, C. M.	Smith, J. B.
Dickinson, S. S.	Hoare, Sir H. A.	O'Brien, Sir P.	Stacpoole, W.
Digby, K. T.	Hodgkinson, G.	O'Connor, D. M.	Stansfeld, rt. hon. J.
Dilke, Sir C. W.	Hodgson, K. D.	O'Connor Don, The	Stapleton, J.
Dillwyn, L. L.	Holland, S.	Ogilvy, Sir J.	Stepney, Colonel
Dixon, G.	Holms, J.	O'Loughlen, rt. hon. Sir	Stevenson, J. C.
Dodds, J.	Horsman, rt. hon. E.	C. M.	Stone, W. H.
Dodson, J. G.	Howard, hon. C. W. G.	Onslow, G.	Storks, rt. hn. Sir H. K.
Downing, M'C.	Hughes, T.	O'Reilly-Dease, M.	Strutt, hon. H.
Dowse, R.	Hughes, W. B.	Osborne, R.	Stuart, Colonel
Duff, M. E. G.	Illingworth, A.	Otway, A. J.	Sykes, Colonel W. H.
Duff, R. W.	Jackson, R. W.	Palmer, J. H.	Synan, E. J.
Dundas, F.	James, H.	Parker, C. S.	Talbot, C. R. M.
Edwardes, hon. Col. W.	Jardine, R.	Parry, L. Jones-	Taylor, P. A.
Edwards, H.	Jessel, G.	Pease, J. W.	Tollemache, hon. F. J.
Ellice, E.	Johnston, A.	Peel, rt. hon. Sir R.	Torrens, W. T. M'C.
Enfield, Viscount	Johnston, W.	Peel, A. W.	Torrens, R. R.
Ennis, J. J.	Johnstone, Sir H.	Peel, J.	Tracy, hon. C. R. D.
Erskine, Admiral J. E.	King, hon. P. J. L.	Pelham, Lord	Hanbury-
Ewing, A. O.	Kinnaird, hon. A. F.	Philips, R. N.	Trevelyan, G. O.
Ewing, H. E. C.	Knatchbull - Hugessen,	Pim, J.	Vandeleur, Colonel
Eykyn, R.	E. H.	Platt, J.	Villiers, rt. hon. C. P.
Fagan, Captain	Lambert, N. G.	Playfair, L.	Vivian, A. P.
Fawcett, H.	Lancaster, J.	Plimsoll, S.	Vivian, Capt. hn. J.C.W.
Finnie, W.	Lawrence, Sir J. C.	Potter, E.	Vivian, II. H.
FitzGerald, right hon.	Lawrence, W.	Potter, T. B.	Waters, G.
Lord O. A.	Lawson, Sir W.	Power, J. T.	Wedderburn, Sir D.
Fitzmaurice, Lord E.	Lea, T.	Price, W. P.	Weguelin, T. M.
Fitzwilliam, hon. C.W.W.	Leatham, E. A.	Ramsden, Sir J. W.	Wells, W.
Fletcher, I.	Leeman, G.	Rathbone, W.	West, H. W.
Fordyce, W. D.	Lefevre, G. J. S.	Reed, C.	Whalley, G. H.
Forster, C.	Lewis, H.	Richard, H.	Whatman, J.
Forster, rt. hon. W. E.	Lewis, J. D.	Richards, E. M.	Whitbread, S.
Fortescue, rt. hon. C. P.	Lloyd, Sir T. D.	Robertson, D.	White, hon. Colonel C.
Fortescue, hon. D. F.	Loch, G.	Roden, W. S.	White, J.
Fothergill, R.	Locke, J.	Rothschild, Brn. M.A. de	Whitworth, T.
Fowler, W.	Lorne, Marquess of	Russell, A.	Williams, W.
Gavin, Major	Lowe, rt. hon. R.	Russell, Sir W.	Williamson, Sir H.
Gilpin, C.	Lubbock, Sir J.	Rylands, P.	Willyams, E. W. B.
Gladstone, rt. hn. W. E.	Lush, Dr.	Salomons, Sir D.	Wingfield, Sir C.
Gladstone, W. H.	Lusk, A.	Samuda, J. D'A.	Winterbotham, H. S. P.
Goldamid, Sir F.	Lyttelton, hon. C. G.	Samuelson, B.	Woods, II.
Goldamid, J.	MacEvoy, E.	Samuelson, H. B.	Young, G.
Goschen, rt. hon. G. J.	Macfie, R. A.	Sartoris, E. J.	
Gourley, E. T.	Mackintosh, E. W.	Seely, C. (Lincoln)	TELLERS.
Gower, hon. E. F. L.	M'Arthur, W.	Seely, C. (Nottingham)	Glyn, hon. G. G.
Gower, Lord R.	M'Clure, T.	Seymour, A.	Adam, W. P.
Graham, W.	M'Lagan, P.		
Grant, Colonel hon. J.	M'Laren, D.		
Gregory, W. H.	M'Mahon, P.		
Greville, hon. Captain	Magniac, C.		
Greville-Nugent, hon.	Maguire, J. F.		
G. F.	Marling, S. S.		
Grieve, J. J.	Martin, P. W.		
Grosvenor, Capt. R. W.	Matheson, A.		
Grosvenor, hon. N.	Mellor, T. W.		
Grosvenor, Lord R.	Melly, G.		
Grove, T. F.	Merry, J.		
Guest, M. J.	Miall, E.		
Hadfield, G.	Milbank, F. A.		
Hamilton, J. G. C.	Miller, J.		
Harcourt, W. G. G. V. V.	Mitchell, T. A.		
Hardcastle, J. A.	Monk, C. J.		
Harris, J. D.	Monzell, rt. hon. W.		
		NOES.	
		Adderley, rt. hon. Sir C.	Barttelot, Colonel
		Allen, Major	Batson, Sir T.
		Amphlett, R. P.	Bathurst, A. A.
		Annesley, hon. Col. H.	Beach, Sir M. H.
		Arbuthnot, Major G.	Beach, W. W. B.
		Archdale, Captain M.	Bective, Earl of
		Arkwright, A. P.	Bentinck, G. C.
		Baggallay, Sir R.	Bentinck, G. W. P.
		Bagge, Sir W.	Benyon, R.
		Bailey, Sir J. R.	Beresford, Lt.-Col. M.
		Ball, J. T.	Bingham, Lord
		Baring, T.	Birley, H.
		Barnett, H.	Booth, Sir R. G.
		Barrington, Viscount	Bourke, hon. R.

Bourne, Colonel
Bright, R.
Brise, Colonel R.
Broadley, W. H. H.
Brooks, W. C.
Bruce, Sir H. H.
Bruen, H.
Buckley, Sir E.
Burrell, Sir P.
Buxton, Sir R. J.
Cameron, D.
Cartwright, F.
Cave, rt. hon. S.
Cecil, Lord E. H. B. G.
Chaplin, H.
Charley, W. T.
Child, Sir S.
Clive, Col. hon. G. W.
Clowes, S. W.
Colebrooke, Sir T. E.
Collins, T.
Corbett, Colonel
Corry, rt. hon. H. T. L.
Crichton, Viscount
Croft, Sir H. G. D.
Cubitt, G.
Dalrymple, C.
Damer, Capt. Dawson-
Davenport, W. B.
Dawson, Colonel R. P.
Denison, C. B.
Dick, F.
Dimsdale, R.
Disraeli, rt. hon. B.
Dowdeswell, W. E.
Duncombe, hon. Col.
Du Pre, C. G.
Dyke, W. H.
Dyott, Colonel R.
Eastwick, E. B.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, Sir P. G.
Egerton, hon. W.
Elcho, Lord
Elliot, G.
Elphinstone, Sir J. D. H.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
Fitzwilliam, hon. H. W.
Floyer, J.
Forester, rt. hon. Gen.
Fowler, R. N.
Gallwey, Sir W. P.
Garlies, Lord
Gilpin, Colonel
Goldney, G.
Gooch, Sir D.
Gordon, E. S.
Gore, J. R. O.
Gore, W. R. O.
Graves, S. R.
Greaves, E.
Greene, E.
Gregory, G. B.
Guest, A. E.
Gurney, rt. hon. R.
Hambro, C.
Hamilton, Lord O.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, Marquess of
Hardy, rt. hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Henley, rt. hon. J. W.
Herbert, rt. hon. Gen.
Sir P.
Hermon, E.
Hervey, Lord A. H. C.
Heaketh, Sir T. G.
Heygate, Sir F. W.
Heygate, W. U.
Hildyard, T. B. T.
Hill, A. S.
Hodgson, W. N.
Holford, J. P. G.
Holford, R. S.
Holmesdale, Viscount
Holt, J. M.
Hood, Cap. hn. A. W. A. N.
Hope, A. J. B. B.
Hornby, E. K.
Hunt, rt. hon. G. W.
Jenkinson, Sir G. S.
Jones, J.
Kavanagh, A. MaoM.
Kekewich, S. T.
Kennaway, J. H.
Keown, W.
Knight, F. W.
Knightley, Sir R.
Knox, hon. Colonel S.
Lacon, Sir E. H. K.
Laird, J.
Langton, W. G.
Laslett, W.
Learmonth, A.
Legh, W. J.
Legh, Lt.-Col. G. C.
Lennox, Lord G. G.
Lennox, Lord H. G.
Lindsay, hon. Col. C.
Lindsay, Col. R. L.
Lopes, H. C.
Lopes, Sir M.
Lowther, Colonel
Lowther, J.
Lowther, W.
Mahon, Viscount
Malcolm, J. W.
Manners, rt. hon. Lord J.
Manners, Lord G. J.
March, Earl of
Matthews, H.
Meyrick, T.
Milles, hon. G. W.
Mills, C. H.
Mitford, W. T.
Monckton, F.
Montgomery, Sir G. G.
Morgan, C. O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Newdegate, C. N.
Newport, Viscount
Noel, hon. G. J.
North, Colonel
O'Neill, hon. E.

Paget, R. H.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Parker, Lt.-Col. W.
Patten, rt. hon. Col. W.
Peek, H. W.
Pell, A.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Plunket, hon. D. R.
Powell, W.
Raikes, H. C.
Read, C. S.
Round, J.
Royston, Viscount
Sackville, S. G. S.
Salt, T.
Sandon, Viscount
Saunderson, E.
Selater-Booth, G.
Scott, Lord H. J. M. D.
Scourfield, J. H.
Selwin - Ibbetson, Sir
H. J.
Shirley, S. E.
Simonds, W. B.
Smith, A.
Smith, R.
Smith, S. G.
Smith, W. H.
Somerset, Lord H. R. C.
Stanley, hon. F.
Starkie, J. P. C.
Steere, L.
Straight, D.
Sturt, H. G.
Sturt, Lt.-Colonel N.
Sykes, C.
Talbot, J. G.
Talbot, hon. Captain
Taylor, rt. hon. Colonel
Thynne, Lord H. F.
Tollemache, J.
Trevor, Lord A. E. Hill-
Turner, C.
Turnor, E.
Vance, J.
Verner, E. W.
Verner, Sir W.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Waterhouse, S.
Welby, W. E.
Wethered, T. O.
Williams, Sir F. M.
Wilmot, H.
Winn, R.
Wyndham, hon. P.
Wynn, Sir W. W.

TELLERS.

Cross, R. A.

Ridley, M. W.

House adjourned at a quarter
after Three o'clock.

HOUSE OF LORDS,

Friday, 30th June, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—
Local Government Supplemental (No. 3)*
(226); Public Health (Scotland) Supplemental*
(227).

Third Reading—Marriage Law (Ireland) Amend-
ment* (136); Metropolitan Building Act (1855)
Amendment* (208); Tancred's Charities*
(216), and passed.

EMANUEL HOSPITAL.

MOTION FOR AN ADDRESS.

A Petition of the Lord Mayor and
Aldermen of the City of London against
the proposed scheme of the Endowed
Schools Commissioners, presented by *the*
Duke of Richmond, read, and ordered to
lie on the Table.

THE MARQUESS of SALISBURY rose
to move that an humble Address should
be presented to the Throne against the
proposed scheme of the Endowed Schools
Commissioners for the management of

Emanuel Hospital, and said—My Lords, two years ago Parliament passed an Act giving very large powers to the Endowed Schools Commissioners. It was an Act founded upon an inquiry that had previously been gone into by the Schools Inquiry Commission as to the mode in which the revenues of the large number of endowments existing in this country was spent. A great number of abuses was discovered. Perhaps their number was a little exaggerated, but no doubt there was a great number of real abuses, and the general feeling of Parliament was that large powers and efficient machinery were necessary to bring them to an end. Now, my Lords, under the influence of that feeling the Act to which I refer was passed with but little difficulty. The second reading passed without opposition; but the idea attached to the Act, and the understanding on which both sides agreed to it, was that it was intended to remedy abuses existing in the administration of endowments, and no idea prevailed that it was meant to give the power entirely to destroy the character of endowments, and to upset the dispositions which the founders had made for the disposal of the money they had left. Now, my Lords, the understanding on that head was not merely a tacit one. It rested on the distinct announcements of Mr. Forster, and made by him both in his public and private capacity, that the Act would only apply to schools that were ill-managed, and that schools that were well managed had nothing to fear from its operations. When he moved the second reading of the Bill he said he wished it to be distinctly understood, both by the House and by the managers of good schools, who had no ground for alarm respecting the measure, that it was meant to apply to badly managed schools, and that schools which are well managed need fear nothing from the Bill, the object of which is to introduce good management. Nor is that the only pledge of Mr. Forster. I have been informed by a member of a deputation that waited on him from the schools connected with the charities of Bristol, that he assured them that the Bill was only introduced to remedy the defects of endowments that were misapplied, obsolete, or mismanaged, and that as the Bristol schools were not open to these charges they had no cause for alarm,

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for it was not intended to interfere with the good schools. That was also the tone of the Members of the Government in this House when the Bill was before your Lordships. Now, my Lords, I have to ask, in what spirit the enormous powers of the Act have been applied by the Endowed Schools Commissioners and by the Government which gives effect to their recommendations? The Endowed Schools Commissioners have altogether set aside the idea of interfering only with abuses. They have persisted in the theory of crushing the whole thing into the crucible and polishing it over after the pattern they had set up; or, in the language of the noble Lord at the Table, their principle had been that the founders should go to the wall, and that the middle classes should have the lion's share of the endowments. I will also say that, so far as it has gone, that also has been the principle on which the Committee of the Privy Council have acted. Now, my Lords, I will venture to ask the opinion of your Lordships on this individual scheme, not merely on account of its intrinsic importance—not simply because it interests the Corporation of London, though they are a very important body, but because it is a typical scheme; because it enshrines a principle, and because that principle has excited, throughout the kingdom, feelings of the widest and deepest alarm. It will be my duty to prove that, in the case of Emanuel Hospital, there are no abuses; because if an abuse can be proved, I abandon the case. I am not here to defend abuses in endowed schools. Wherever they can be proved, let them be treated as effectually and as drastically as you will. I am here to maintain that the bequests of founders ought to be thoroughly but intelligently carried out, and that unless abuses in their administration can be proved, the actual administration ought not to be interfered with. Now, my Lords, as to Emanuel Hospital the Commissioners have been shy of imputing abuses to it. There has been an active correspondence, but when they were challenged to indicate abuses they have generally shrunk from the task. But at last—quite at last—within the last two days, they have come forward somewhat more frankly on the subject, and in a Paper which they have issued to your Lordships—too recently for any distinct answer from those who

are attacked—they have stated two grounds of charge against the management of this hospital. One charge is that it is extravagantly managed, and the other that the benefit of the charity is given, not to the poor, but to the lower-middle class. Now, I think I am in a condition to disprove both these charges. The first and most important question is, have these schools been devoted to the class for which the founder intended them? The words of the founder are clear. They are “for poor children,” and if it shall be proved that they have not been so applied—if they have been jobbed away, and made a matter of mere patronage, without reference to poverty, I will admit that there is a strong case against the existing administration. But, my Lords, what are the facts? Mr. Fearon, the Assistant Commissioner, upon whose evidence the Endowed School Commissioners mainly depend, makes no statement as to Emanuel Hospital in particular, but says that the class to which it belongs are used for the benefit of the messengers in the Houses of Parliament and of persons in the employment of the governors. Now, my Lords, it is a curious fact that in Emanuel Hospital only one such child is to be found. The official return is as follows:—Out of 57 children who were at the school when the Assistant Commissioner visited it, 23 were orphans (I suppose there was no question that orphans whose fathers were dead were poor children); one child was a deserted child; two were the children of incapacitated parents—I have no items respecting three of the children—and of the remaining 28 I have obtained the incomes of their parents, and the average income per day of each individual I will state. I learned that the average number of children in these families was more than seven, which is a very far greater abundance to relieve than the philosophers of the present day say is sufficient, and that number is five. Well, my Lords, I want to lay before your Lordships the amount which these families had to support each child, and so test the observation which had been made that these were not poor children. The average amount for each child was 6*d.* a-day. If 6*d.* a-day is not poverty, I do not know what is. I should like to see the Endowed School Commissioners living on 6*d.* a-day. Hitherto the school has been given to poor chil-

dren. Now, then, the question arises, has the fund been wastefully administered. The Commissioners—they do not condescend to particulars—said that the management had been obviously wasteful. That is a convenient phrase, but they abstain from particulars. I will ask your Lordships to go with me into the particulars of this point. There are 64 children now under education. The Commissioners say that the expenditure is £2,000 a-year; but in order to test whether this is extravagant or not, you should compare the amount with what the Commissioners propose to expend. Those 64 children cost £24 2*s.* a-year each for board and education. The Commissioners propose that their children at the boarding school should cost £26 a-year; and therefore I cannot see on what principle the governors of Emanuel Hospital can be charged with extravagance. At the St. Ann’s Asylum the children cost £32 a-year. I have never heard it said that that was an ill-managed hospital; and believe that there is no ground whatever for this charge of extravagance which the Commissioners made in this transient manner, saying there was “obvious extravagance” without giving any proof. It may be said that the education is not sufficiently good. But in 1855, Mr. Moseley, the Assistant Commissioner, visited the schools and expressed himself satisfied. Then an examiner from St. Mark’s Hospital, Chelsea, concludes his report by saying that he considered the instruction thoroughly sound and useful, and highly creditable to those engaged in the work. For what purpose, then, is there to be this change in the management? I consider this to be important when I consider how far it will work. If you upset the management of the Corporation of the City of London, the management in every other town in the kingdom will be upset also; and I cannot look with confidence or equanimity on the rough dismissal of the present trustees from the duties which they have well fulfilled, and the substitution of a new-fangled body at the veto and control of the Endowed Schools Commissioners. The practice of England has become the practice of other countries. It has been our practice to trust to local enthusiasm and local zeal. We have not collected up all the strings into a single knot to be placed in the hands of central Commissioners. We

know that not far from us other nations have pursued a different course and had centralized their local institutions, and we are at this moment in a condition to judge how far the experiment has succeeded. But there is much more in the matter. It was not that the control of the City of London over these schools had been broken. It is that the schools have been wrested from the objects to which Lady Dacre devoted them. The poorer classes have gone abroad and the middle classes have got a large share of the endowments. The endowments have been taken from the poor, to whom they were given, and I come here to-night to ask your Lordships to interpose by your veto and forbid these schemes from becoming law. Now, my Lords, the scheme of the Commissioners consist of two parts. They set up a day school, and they set up a boarding school. With the day school I am not concerned to argue much. It is a day school at rates running up to £6 a-year, and at that rate for schools of 300 or 400 boys the schools ought to be very nearly self-supporting. It may be true that these schools will furnish accommodation to the inhabitants of Westminster. If the schools fill well the expense will be entirely covered, and the endowment will not be seriously interfered with; but if the schools do not answer, I would venture to suggest that at the point of day schools there is a very great departure from the founder's original bequest and the rights of the poor, because I think that even the noble Lord at the Table (Lord Lyttelton) will agree with me that if a child has only 6d. a-day to live upon the whole cannot be spent on education. It is as plain as possible that persons who pay 6d. a-day for schooling must be of the superior classes. But I ask your Lordships rather to turn your eyes from the day school to the boarding school. Lady Dacre's bequest was entirely for a boarding school. The pupils were to be brought up in the hospital, and the object of the bequest was domestic education—the education of the boarding school; and the Commissioners have set up a boarding school, and they have assigned £15,000 for the building of this boarding school. It is proposed to charge from £24 to £26 a-year, with an entrance of £2. A poor person cannot pay £26 a-year for the education of his children. Such a sum

can only be paid by a person having at least £200 a-year. Persons struggling for a living cannot become boarders. And yet these are the persons for whom the school was founded. But, then, there are the exhibitions. The governors are authorized under this scheme to grant four exhibitions to such children as shall deserve them by merit. But merit means examination. Instead of looking on this money as money to be disposed of according to the will of the founder, the Commissioners look upon it as devoted to carrying out examinations. I do not wish to depreciate competitive examinations. My University in competitive examinations holds a high place, and competitive examinations have done great things to raise the standard of education. But it is proposed to apply competitive examinations to children of seven years of age. The rule is that no one shall enter who is more than 13 or less than 7, and the bequest will be given to those who succeed in these competitive examinations. I think it will be at once clear that success in competitive examinations will fall to the lot of those who have had money to pay for their teaching. As years go on native ability may make up for the want of money; but early in life success in competitive examination depends on previous preparation—and previous preparation means nothing more than the possession of money. The prizes are to be given to the middle classes. The payment of £26 a-year will insure this. Great attention is now being paid to the subject of middle-class schools, and philanthropic persons are giving of their means to promote the object if the movement goes on. But there is a difference between the old-fashioned Christian enthusiast and the philosophic enthusiast of the present day; and that difference is, that whereas the Christian gave his own money, the philosopher always tries to give the money of some one else. I freely admit that middle-class education is a noble work; but I believe it to be a greater and nobler work to feed the hungry, to clothe the naked, and to educate the poor. These, my Lords, were the objects for which Lady Dacre left her money, and she did not leave it to that object by cheating her heirs, but she accumulated the money by her own self-denial. Now, it is proposed to take this money from the poor, and give it to

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the middle classes. The middle classes do not ask for it. At a large meeting in the City of Westminster this scheme was almost unanimously rejected on the part of those who are supposed to be benefited by it. Still it is proposed to give it to the middle classes. I might dwell, I think, with some effect on your Lordships' minds on the political evil and danger arising from a wanton interference with the bequests of the day. Recollect that a carping spirit is going on now as it did in past times. If you once drive into the mind of those who are willing to give their money for the good of their kind that they cannot be certain that it will not be devoted to some philosophical crotchet of the day there will be no more bequests or endowments. I can imagine nothing, not even in private property, more sacred and inviolable than that which is left for the support of a class which has nothing else to depend upon, and I know that when I appeal to your Lordships to interpose your veto in the present instance to stop the proposed desecration I shall not appeal in vain.

Moved that an humble Address be presented to Her Majesty, representing that the proposed scheme of the Endowed Schools Commissioners for the management of Emanuel Hospital in the parish of Saint Margaret in the city of Westminster will have the effect of diverting a large portion of the endowments of the said hospital from the education of the poor to which they were assigned in the charter of foundation, and of withdrawing the government thereof from the Lord Mayor and Aldermen of the city of London against whose management no charge has been established; and praying that Her Majesty will withhold Her assent from the said scheme.—(*The Marquess of Salisbury.*)

VISCOUNT HALIFAX: My Lords, I would venture to remark that though the Motion of the noble Marquess is directed only to the case of Emanuel Hospital, his speech has raised the whole principle of the Endowed Schools Act, and might have been delivered against the second reading of that measure.

THE MARQUESS OF SALISBURY: As I understand it I am perfectly satisfied with the Preamble of the Act. I object only to the way in which it is being applied by the Endowed Schools Commissioners.

VISCOUNT HALIFAX: My Lords, I will refer the noble Marquess to the enacting clause rather than to the Preamble, and I cannot help saying that I still think that his speech, both now and

on a previous occasion, was directed against the Act itself. That Act was passed on account of many schools being mismanaged, and on the recommendation of a Commission presided over by my lamented Friend, Lord Taunton—a man of calm judgment, and not at all likely to be led away by the philosophers of whom the noble Marquess appears to be so much afraid. The Commission was composed of men of great ability, of all shades of politics, and representing all classes of society, and was obviously entitled to great deference. In consequence of their Report the Endowed Schools Act was passed. The Act gave the present Commissioners the largest powers for carrying out the principles laid down by the Schools Inquiry Commissioners. The object was to put the schools into such a shape as would be most conducive to the promotion of education; and Mr. Forster, whose name has been brought prominently forward by the noble Marquess, and who had been one of the Commissioners, distinctly stated that the object was not the primary education of the children of the working classes, the necessity of whose sustenance compelled their parents to take them away at an early age—nor the education of children of the superior classes, who were able to remain at school and at the Universities to a late period—but the education of a secondary class—namely, the lower-middle class, with such portion of the working class as showed special fitness. Mr. Forster again said that these schools might be made to provide good education for the middle class, and also to meet those comparatively exceptional cases in which children of working men were specially fitted for a higher education and could be allowed by their parents to remain at school. In this House, too, a noble Earl, who is not now present, said the Bill was likely to give an improved education to the children of the middle class, and that a portion of the working class would also benefit. On that occasion some of the details of the Bill excited discussion, but no objection was taken in either House to its principle. The noble Marquess has denounced the principle of spoliation; but I contend that the Commissioners would clearly have failed in their duty to Parliament and the country had they not based their scheme upon the avowed prin-

ciples and intentions of the Act, and I say that to arrest their action would be to frustrate the whole course of inquiry and legislation which have been proceeding during the last two or three years. Then, my Lords, in reference to another point which has been mentioned by the noble Marquess—departure from the intentions of the founders—let me say that the Corporation of London have proposed a scheme which departs from them still more widely, for while the Commissioners would leave the almshouses under the management of the Corporation, dealing only with that portion of the funds intended by Lady Dacre for educational purposes, the Corporation are for giving up the almshouses and founding a school in the country. The noble Marquess says that funds are diverted from the education of the poor, contrary to the will of the founder. It should be borne in mind that in Lady Dacre's will there is not a word about the poor; her words were—

“The relief of aged people and bringing up of children in virtue and good and laudable arts, in the same Hospital, whereby they might the better live in time to come by their honest labour.”

Now, my Lords, with reference to the management of the estates by the Corporation of the City of London, I fully believe that the Corporation have administered the Brandesburton Estate very well, though I cannot admit that its improved value is altogether owing to their management; for, knowing something of that part of Yorkshire, I must be allowed to attribute the increased value of the property mainly to the conversion of sheepwalks into arable land, as is the case with many other estates in the neighbourhood. I am perfectly willing to believe that the Corporation have done all that befits good landlords; but it does not necessarily follow that they are the best managers of a school. The two things are totally different and distinct. It must also be remembered that this scheme deals not only with Emanuel Hospital, but with three other foundations as well, which are to be consolidated with that Hospital, and are to be placed under one management. My Lords, it is my decided opinion that by adopting this plan much would be done to secure the good management of these schools. The noble Marquess opposite has said, and said truly, that these schools ought

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to be placed under the management of a local body; but the proposed scheme would render the managing body far more local than it is at present. The Endowed Schools Commissioners thought a school can scarcely be well managed by a body constituted for other purposes, and that it ought to be managed by a government specially appointed for the purpose, which will be the case under the scheme of the Commissioners. Then, my Lords, comes the question whether the funds of these foundations ought not to be applied so as to provide eleemosynary education for the poor. In discussing this point I feel bound to remind the noble Marquess that there is no mention of the education of the poor in the will of the foundress of the institution. I showed, on a former occasion, that many of the children now educated are not the children of poor persons. The noble Marquess has questioned the accuracy of that statement. I do not profess to have any personal knowledge of the matter myself; but the statement I made was derived from a document drawn up by the schoolmaster of the school with the view of giving information, and not for the purpose of making out a case. The real question, however, is how to apply the funds of these various institutions most advantageously for the poor. The proposal to provide eleemosynary education for the poor has been unanimously condemned by the Report of the Commission, and it has already been shown in an able and eloquent address by one of your Lordships that eleemosynary education is the worst that can be provided for the poor. At the present moment in the four schools 147 boys are educated at an annual cost of £4,000; whereas under the new scheme, at the same cost, there would be educated 300 boys in a lower school, 300 in an upper day school, and 150 in a boarding school;—which latter number, if circumstances will permit, will be subsequently increased to 300. My Lords, the noble Marquess has complained that the boys will be required to show that they have received the rudiments of an education before they will be admitted into the school. But all that they will be required to do will be to read monosyllabic narrative and to write text hand. Again, the exhibitions are to be obtained by competitive examination, in accordance with

the recommendations upon all occasions of the Endowed Schools Commissioners. Were these recommendations to be set aside and the exhibitions to be given by favour the promoters of the scheme would be reverting to the old system of education, which has been generally pronounced to be inefficient and unsatisfactory. I will not trespass further on your Lordships' time by going further into this matter. I have done my best to show—and I trust I have shown—that the adoption of the scheme of the Endowed Schools Commissioners will be advantageous to those whom it was intended to benefit, and that I have met the objections that have been raised by the noble Marquess to their proposal.

LORD BUCKHURST: My Lords, I will trouble your Lordships with very few observations upon the subject-matter of the Motion before the House. In the first place, although there is no mention in the will of Lady Dacre of the education of the poor, yet in the Charter of Incorporation of Emanuel Hospital special provision is made for the maintenance of 20 poor aged people and 20 poor children. I must own that I was surprised to hear the noble Viscount (Viscount Halifax) say that the Hospital was not founded for the benefit of the poor. In the scheme of the Corporation of London it is said that not less than 70 poor children—to consist as nearly as may be of an equal number of boys and girls—shall be lodged, victualled, clothed, and educated in the new schools, in such a manner as the Governors may from time to time direct, and who, when admitted, shall not be under 7, nor over 10 years of age. Now, my Lords, I certainly find nothing of that sort in the scheme which is propounded by the Endowed Schools Commissioners. In conclusion, allow me to say that I am not myself in any way interested in this matter beyond family connection with the foundress of the charity. I am not personally interested in the charity beyond being related by descent to its foundress, and I rejoice to see it under the management of so liberal a Governing Body as the Corporation of London, while, on the other hand, I should very much regret if it were transferred to other hands, or if its revenues—which were originally intended for the benefit of the poor—were appropriated to other purposes. I say, again, that I could not

help expressing my regret if I were to see it removed from the superintendence of so liberal and enlightened a body as the Corporation of the City of London, and appropriated to other purposes than those which were intended by the foundress.

LORD LYTTTELTON said, that before he attempted to answer any of the arguments which had been brought forward by the noble Marquess (the Marquess of Salisbury) who had introduced this question to the notice of their Lordships, he might be permitted to say that if he was to continue to be connected with the Endowed Schools Commission he might, perhaps, naturally hope that the time would come when they should cease to be called plunderers of the Church, robbers of the poor, perpetrators of sacrilege—and other flowery words of rhetoric which on high authority in that House, in the Guildhall, and in other parts of the country, were now applied to them on all sides. Neither, perhaps, was it surprising if he should wish to offer a few words in their defence, and should take the first opportunity which was afforded him to go a little more into general topics than was suggested by that particular case. He wished in the first place to point out that all the attacks which had been made upon the Endowed Schools Commission were really attacks upon the Act of Parliament which it was their duty to carry out. Noble Lords, he must say, seemed never to have at all considered the Endowed Schools Act, and he would engage to say they had never paid proper attention to its 9th and 10th clauses; for it undoubtedly was because they were endeavouring to give honest effect to the intentions of that Act, that they were assailed as they had been. It was not for him to attempt to defend the words of the right hon. Gentleman (Mr. Forster) which had been so often quoted; but the Endowed Schools Commissioners did not stand upon the words of any Minister of the Crown, or of anyone whatever, but upon the Reports of the Schools Inquiry Commission, to which the noble Marquess had not once referred, and the recommendations of which they maintained that they were endeavouring to carry into effect in their schemes. They stood also upon the terms of the Act of Parliament, in which not a word was said about bringing abuse and mismanagement home to the

present managers of the schools, nor about the will of the founders, except in the few words of the Preamble so often quoted, and in which the whole purpose held before the Commission was to make use of those endowments in the best way in which, taking all the circumstances of the case into account, they could be rendered conducive to the education—of whom? Not of the poor—not of any one class—but of boys and girls generally. The whole purpose laid before them was how to make use of the endowments in the best way for the diffusion of education. And with regard to the will of the founder, that was interpreted to them as being that a liberal education was to be put within the reach of all classes. Now, with reference to certain casual expressions used by himself and some of his colleagues before the Act was in operation, and before they were appointed, he was prepared to justify those expressions, in substance, at least, though, perhaps, not every exact word of them. He had no doubt he had said that if the best, or anything like the best, application that could now be made was to be made of school endowments, it was absolutely inevitable that the will of the founders should be disregarded. He did not hesitate to say that he thought it an unsound and untenable principle that the will of the founder of what were called charitable purposes ought necessarily to be maintained to all time, according to his own original intentions; as a fact the will of the founder had in innumerable instances been departed from, and in Middlesex in hardly one case had it been found practicable to adhere to the will of the founder. They should be guided by what the founders would be likely to think by the altered state of the circumstances in which they lived. But he would not stand on that general ground. He was perfectly content with the interpretation given in the Act which they had to administer, and would say that they had, in any particular matter, to give effect to the founder's main design. In innumerable instances it was of the very necessity of the case that the will of the founder should be departed from. In the 7th vol. of the Report of the Schools Inquiry Commission it was set forth at great length that in the county of Middlesex in hardly one case was it found practicable or consistent with public policy not

Lord Lyttelton

to depart, and depart widely, from the founder's intention; and where great benefit would be derived from such departure, they might fairly consider that what he would himself have done under an altered state of circumstances might be more safely made their guide now than the mere actual terms of his bequest. The words of the Act required them to give effect to the main designs of the founder—which were interpreted to be to put a liberal education “within the reach of all classes.” He begged attention to those last words, which implied that the actual and direct benefits of those foundations were to be given to those who exerted themselves—those who made an effort to obtain them. The noble Marquess (the Marquess of Salisbury) the other day said that to give rewards to merit was part of the jargon of the present day, and that it must mean competitive examination. That was a doctrine which he (Lord Lyttelton) was not prepared to admit. But, assuming that the exhibitions and scholarships were to be given by competitive examination, he said there was nothing in the scheme which was propounded to prevent the Governors from fixing a limit as to the age of the children who should be subjected to it. If he understood the word rightly, merit meant industry, good character, steadiness, and other qualities besides cleverness. Now, a paper signed by the head masters and many assistant masters of endowed schools had been largely circulated, commending the principle that there should be no gratuitous education, except as the reward of merit; and the authors of the document expressed an opinion to the effect that the opening of the privileges of a foundation to general competition would, so far from thwarting the intention of the founders, be really the only method of fulfilling their desire and promoting education. So much for the wills and intentions of the founders. The noble Marquess (the Marquess of Salisbury) had done him the honour to allude to a remark of his, but with peculiar ignorance of the meaning of one of the most common expressions; the noble Marquess did not seem to know the meaning of the phrase “the lion's share.” He (Lord Lyttelton) certainly did use that phrase on the occasion referred, to as descriptive of the inevitable result following upon the

course recently pursued—he did say that “the lion’s share” of certain endowments would go to the middle class, construed in a large sense—not that those endowments would go to the poor. He would, perhaps, have expressed the same idea more guardedly and accurately, if he had said that the funds would go to the promotion of secondary education—in other words, to obtain for the children those advantages in the shape of superior education and physical training which neither the funds subscribed by charitable persons, nor public funds at present provided. Elementary schools could be largely benefited, by giving out of these endowments means for higher education. A strong case could certainly be made out in favour of the principle that a greater portion by far of the ancient endowments ought to go for the benefit of those just above the very poorest. Endowments were not intended as a rule by the founders for any particular class, but were rather intended to draw forth the best children, and to extend their benefits as much as possible, so as to make them grow up the best citizens of the State. All founders intended that the benefits to be conferred by their endowments should be as widely diffused as possible—should fall upon all classes, and be applied to educate those children who would be likely to make the best use of their bounty, and become by means of it the most useful citizens of the State. It so happened that the lower grades of the middle class, the class which would make most of the means at its disposal, benefited least of all by these endowments. If the old state of things existed, he would still be prepared to contend that the greater portion of those endowments would be for the humbler classes, rather than for the upper classes, who had, however, benefited by them to a very material and important degree. Even if the Elementary Education Act of last year had not been passed, the children of the very poor would have been in a better condition comparatively than the middle class. If, however, a vacuum had existed in the educational means of the poorest classes, that vacuum had been filled up by the Act of last year; unquestionably, a vacuum existed in the educational means at the disposal of the middle classes, and that the law in no way provided for. In dealing

with those schools the Endowed Schools Commissioners did not go upon the ground of poverty alone; but, at the same time, they maintained that they would benefit the poor a great deal more than the Corporation of London did. They did not allege that an abuse, in the technical sense of the word, existed:—they merely found the broad fact that 143 children were educated, while under the scheme they proposed from 750 to 900 children would be educated far more completely, and with a power of considerably increasing the number, at a small charge which, from time to time, would be further reduced or entirely remitted. They likewise proposed to admit children from the class who left at about the age of 14; and of the exhibitions and prizes they would give one-third—more than equalling the total number of children now in the schools—to the class who attended the elementary schools, and one-third to the orphans of the same class, whose poverty and distress gave them strong claims to consideration. He said, therefore, that whether with regard to the day schools, the boarding schools, or the girls’ schools, the scheme of the Commissioners would give to the more praiseworthy and industrious children of the poor very much more than was done under the existing system, or than was promised. Now, he would not be tempted to go through the numerous papers with which he dared say most of their Lordships had been furnished every morning almost by the Corporation of the City of London; but he did assert before their Lordships, that he could with the utmost possible ease show that almost every single statement in those papers was incorrect. He would give an illustration of the misrepresentation made in an official letter, to which the schemes of the Endowed Schools Commissioners were exposed. The noble Earl opposite (the Earl of Carnarvon) who had brought the subject of Morgan’s School, Bridgewater, under their Lordships’ consideration the other night, with all his acumen and accuracy of mind allowed himself to be misled by the representations made to him, and was under the impression that there was an expressed intention with regard to that school to set aside the teaching of the doctrine of the Church of England.

THE EARL OF CARNARVON said, he stated that the Endowed Schools Com-

missioners recited in the Preamble of their scheme, that it was their intention to preserve the teaching of the Church of England; but that was valueless, because it was practically unapplied before they got to the end of the scheme.

LORD LYTTTELTON: There was no recital at all, but the Governors were enjoined to give instructions according to the provisions of the scheme. As he had stated, it would not be pretended that the foundation of Emanuel Hospital was one of a denominational character; but in this, as in every one of their schemes, the Commissioners specially required that the Governors and masters should carefully provide for the religious instruction of the scholars. Yet, in the face of that clause, the authorities of the City of London had stated in an official letter, that the scheme of the Commissioners was to be a purely secular one. He repeated that the Endowed Schools Commissioners made no allegation of abuse or mismanagement; but the Act told them to provide in the best way they could for the interests of education, and they conceived that the question of the Governing Body was, perhaps, the most material of all the questions affecting that education. Moreover, what they had to provide for was not the present day alone. They had, as far as they could, to meet the wants of posterity. They, therefore, did not propose to continue to vest the government of schools in the hands of a single Corporation, but proposed a threefold constitution of the Governing Body, including the element of election. It had been said that the Commissioners had no right to construe the Act, except with reference to abuses or mismanagement in the Governing Body. The question was raised in the Select Committee of the House of Commons, and a proposal to limit the power of the Commissioners to interfere with the constitution of Governing Bodies only in cases where abuse or mismanagement had been proved, was rejected by a majority of some 15 to 2. So that in the House of Commons, in the Select Committee to whom that Bill was referred, that very point was brought forward, under the distinct Motion made that no Governing Body should be heard, except upon proved cases of mismanagement against them; and on the division upon that proposition there were 15 against it and

The Earl of Carnarvon

2 in favour of it; and the question was again brought forward by one of those 2—his own son-in-law (Mr. J. G. Talbot)—he brought it forward again, and did not divide upon it. No one had alleged mismanagement against those venerable and distinguished Bodies who, under the presidency of his Grace the Archbishop of York, had the management of those seven favoured schools in the country which the Commissioners sought to reform. He thought he had now gone through and answered without exception all the points raised by the noble Marquess. The noble Marquess had complained of the late period at which a Paper issued by the Commissioners had been laid before Parliament; but that being so, he (Lord Lyttelton) would remind the House that the Commissioners had nothing to do with the documents after they left the office. As far as the Commissioners were personally concerned they desired publicity for their proceedings; but no doubt Her Majesty's Government had excellent reasons for withholding the Paper until the period at which it was submitted to Parliament. He had only one word to add to what he had already said. Let their Lordships look at what the effect would be of a decision against that scheme—what other scheme had they got? If it were possible to amend those schemes after they once left the Commissioners' office, much delay must necessarily be incurred. He did trust that if Parliament saw anything to object to in the scheme, they would take steps for its amendment, instead of carrying the proposal to reject the scheme in its entirety; for to take such a course would be to throw doubts upon the operations of the Commissioners. The whole plan, with its cumbrous machinery, must be again gone through, and the whole scheme would be thrown back for at least a year.

LORD CAIRNS said, there were certain admissions which ought to be made with reference to the Endowed Schools Commissioners by everyone who approached the subject. In the first place, the task which the Commissioners had to discharge was one of very great difficulty and delicacy; and in the second place, he admitted that two of the Commissioners had approached the task with the most pure and single-minded intention to discharge the trust reposed in

them by Parliament. He further admitted that it was unfair to both the Gentlemen he had just named to bring against them, in a discussion of that kind, any expressions of opinion which might have fallen from them before they were Commissioners, and at a time when they were not pointing out what would be their course of action as Commissioners, but were simply giving utterance to their private and individual views as to the course which legislation on the subject ought to take. But of this he was perfectly certain, that when those eminent persons came to administer the trusts of that Commission, they would not allow their own private opinions to affect them at all—that they would rather think it their duty to place in abeyance their own private opinions, and endeavour to adhere to what they considered the very letter of the statute which they had to carry out. He did not mean to enter fully into the details of the various papers which had been circulated by the advocates on both sides of that question. There had probably been exaggeration on both sides; but he thought the palm of victory on that head rested entirely with the pamphlet which had emanated from the Commissioners, or had at any rate been circulated with their consent. His first objection to the scheme was this—a good deal had been said about the will of the foundress, and one noble Lord (Lord Buckhurst) had said it was a mockery to suppose that the charity of Lady Dacre was intended to provide for the poor, because the word “poor” never occurred in the will. That was true, but as a Royal charter was granted at the time, in order to carry out the provisions of the will, he contended that the two documents should be construed together, and the charter expressly stated that the charity was intended “for the education of the children of the poor according to the charitable and good meaning of the said Lady Dacre.” That being the case, he was alarmed to find the Commissioners claiming the right to rule that property left for the education of a particular class would be better appropriated for the education of another class, and to so appropriate it if they thought fit. He contended that that proposition was contrary to the principles of English law, and earnestly protested against the doctrine of the noble Lord opposite (Lord

Lyttelton) that charitable grants were merely as such, public property. There was nothing in the Act of 1869, according to his reading of it, which gave the Commissioners power to divert the endowments in the manner proposed. The Preamble of the Act of Parliament stated that—

“The Commissioners have made their Report, and thereby recommended various changes with the object of carrying into effect the main designs of the founders, by putting a liberal education within the reach of the children of all classes,”

and so on. Taking even the words on which the noble Lord intended to rely, he (Lord Cairns) maintained that “a liberal education” was not placed within the reach of all classes, by taking away a fund intended for the education of one class and applying it to the education of another class. Yet that was the very thing the Commissioners were doing. The whole tenor of the noble Lord’s speech was to the effect that in respect to education, it was better to assist the middle classes than to assist the poor. The noble Lord had pointed out that the Commissioners had, after all, provided free exhibitions for children educated in primary schools in Westminster; but he forgot to mention the alternative. What the Commissioners proposed was that there should be free exhibitions for children educated in the primary schools of Westminster, or whose parents resided in Westminster. Thus, parents who would never have dreamt of sending their child to a primary school in Westminster might, if they could cram him sufficiently for the purpose, send him to compete for one of these free exhibitions which, according to the noble Lord, were intended for the poor. His (Lord Cairns’) next objection had reference to the Governing Body. He did not for a moment recognize any right of the Corporation of the City of London to be the trustees of the endowment. They were selected by Queen Elizabeth to manage the trust; but, although he believed they had discharged that duty very well, they had no vested right in the charity, and the Commissioners were empowered to appoint other trustees. As a matter of discretion and good sense, however, he thought the Commissioners might have proceeded more judiciously. Having regard to the long connection of the Corporation of the City of London with the school, he could not help thinking that

the sensible thing would have been to ask the Corporation to take upon themselves the responsibility of selecting or electing the trustees who were to be the Governing Body. A great deal of difficulty would have been removed, if the Corporation had acceded to such a proposal, and a better Governing Body would have been appointed than could be obtained by resorting to the principle of self-election. Then, he wholly objected to the use which the Endowed Schools Commissioners were making of the Primary Education Act of last year. The noble Lord (Lord Lyttelton) had most tersely and neatly remarked that the Act of 1870 found a certain vacuum in primary education, and threw upon the people of the country at large the duty of filling it up. He (Lord Cairns) objected, however, to the Commissioners making that vacuum larger than it was last year, by taking away sources of primary education which then existed. The proposed scheme would, in his opinion, introduce the principle of competitive examination for the free exhibitions in the schools, without any limit as to age, so that any child who, by the process of cramming, could show its superiority to other children of the same age would be entitled to be elected. The noble Lord (Lord Lyttelton) had, indeed, expressed a doubt whether that was the real meaning of the scheme; but in his (Lord Cairns') judgment there could be no doubt on the subject. Though he would speak with great possible respect of competitive examination, he feared that in that country they were drifting much too rapidly into a perpetual and chronic system of competitive examination. At all events, it was most unsuitable as a means of introduction to an elementary school. Imagine a consumptive hospital established on the principle that those applicants should be most eligible for admission whose lungs were in the most healthy state. Well, a school was, after all, an establishment for curing ignorance; and yet, in the present instance, the pupils who were to be admitted were those who were the least ignorant. It might be urged that many schoolmasters were in favour of competitive examination; but, speaking with all due respect for schoolmasters, he maintained they were the very worst judges on that point. If he were a schoolmaster he would say—"By all

Lord Cairns

means let every boy who enters my school come in by competitive examination. That will secure to me all the clever boys, while all the dunces will be kept out." He said again, therefore, that schoolmasters, instead of being the best persons to form an opinion on that subject, were the very worst. These were the objections which he took to that scheme. He thought that their Lordships' attention ought to be called to the words in that Act: That the House of Lords and the House of Commons should have the opportunity before they assented to a scheme of that kind to pass under review objections to it. He had now stated the objections that would prevent his voting for the scheme, and he declined to trust to the scheme being ratified by any authority short of their Lordships' House.

LORD LAWRENCE, as one who took the deepest interest in the education of the lower classes in London, sincerely hoped and trusted that the Motion now under their Lordships' consideration would not be successful. He believed that a large majority of the gentlemen who formed the present London School Board would unhesitatingly declare that the proposal of the Commissioners would give a great impulse, and would prove a great incentive, to the primary education of the poorer classes generally. He was sure that the majority of the parents of those children who attended primary schools would highly approve the propositions of the Commissioners, on the ground that they offered a great opening for their children. These poor people themselves would say that the scheme of the Commissioners would be a great benefit to their children, and that under that scheme the children of parents who lived in Westminster had a distinct advantage over those of other parishes; but the most important point of all for consideration was that encouragement would be given to the industrious, far-sighted, and frugal parents, who had made some sacrifice in order to educate their families, over the lazy and drunken parents who had neglected theirs. Then, again, the large number of the exhibitions that were offered would produce a greater interest in the subject. Much had been said about the evil effects of competition; but his experience led him to believe that all the advantages were not always secured by the children of

the richer classes. The money that would procure a first-rate education was doubtless a great help; but very often it was expended on children who had the least aptitude and energy, and were beaten by poorer but cleverer and more zealous ones. Competition might be truly said to be a leaven which would leaven the whole mass of society. The results of competition were not limited to those who directly gained by it, for all the children were influenced, though only five or ten gained the prizes; and he was convinced that in the long run competition would be of the greatest benefit to the whole system of education.

THE MARQUESS OF RIPON: My Lords, the issue that has been raised by the Motion of my noble Friend (the Marquess of Salisbury) is so important that it is impossible for me, holding the office which I do, not to state my views upon the question now under the consideration of your Lordships. The issue that has been placed before you does not relate solely to Emanuel Hospital; because the noble Marquess opposite, with that courage for which he is so remarkable, placed the issue on the right ground, when he asked your Lordships to assert in the Address a principle which went to the foundation of the Act of 1869, it is one and which if your Lordships were to agree to it, would have the effect of practically repealing by the vote of one House of Parliament the legislation of two years ago. Your Lordships, I am sure, will not fail to observe that the Motion does not simply disapprove the scheme for Emanuel Hospital, but objects altogether to the principle that gratuitous education shall be given for merit, and alleges that the present Governing Body ought not to be interfered with, unless neglect in some shape or other can be proved on their part. Now, my Lords, the noble Marquess in his speech endeavoured to convince your Lordships that there was something in the scheme of the Commissioners which was radically inconsistent with the understanding on which the Act of 1869 was passed; whereas, I venture to say, in contradiction to the noble Marquess's argument, that the fact is, that during the passage of the Act through Parliament, it was most distinctly advocated that the principle of indiscriminate gratuitous education was a thoroughly unsound one; and it was stated that the

Government intended to remodel the Governing Bodies of schools without requiring that misconduct should be proved against them. I have to-day looked through the speech I had the honour to address to your Lordships on that occasion, and I say that it was then laid down beyond all dispute that that was the principle laid down by the Government. The intentions of those who introduced and supported the Bill were unequivocally placed before both Houses of Parliament, and I assert that nothing can be clearer than the opinions stated in the Report on which the measure was founded. There is no doubt, my Lords, that disingenuous efforts have been made to misrepresent the Report of the Schools Inquiry Commission, and I am sure it is from mere inadvertence that many names have been attached to the statement that has been issued by the Corporation of the City of London. I am not here, my Lords, to criticize the conduct of the Corporation of the City of London in the management of this charity, Emanuel Hospital; but I have at least a right to say—and the document has certainly been drawn up by a most ingenious gentleman—that no one can possibly read that document without being aware of the misrepresentations it contains in reference to two important questions that came before the Commission. It has been said that that Commission thought that Corporations were the best bodies to be entrusted with the administration and the management of schools, and that this scheme as to Emanuel Hospital has been prepared in the teeth of the recommendations contained in the Report of the Schools Inquiry Commission; but, my Lords, the fact is that those Commissioners have distinctly said that they thought it very objectionable that such bodies should be intrusted with such duties, and their opinion is in favour of special bodies being chosen for the distinct purpose. Therefore, what I would desire to impress upon your Lordships is this—you are invited by the noble Marquess opposite to lay down principles which are, as I believe, inconsistent with the provisions of the Act of 1869, and which most certainly are equally inconsistent with the intentions with which that Act was passed. Precisely the same proposition as that which is contained in the latter portion of the

Address of the noble Marquess has been laid before the Select Committee of the House of Commons which sat to inquire into this subject, and it was rejected by a majority of 18 to 2—the majority including several well-known Members of the Conservative party. That, therefore, is the view of the matter taken by at least some eminent Members of that party. So that, my Lords, my noble Friend can hardly say that in the course which the Commissioners have pursued, they have not been going upon the understanding which existed in Parliament when that Act was passed. I am, therefore, prepared to maintain that the Address of the noble Marquess is inconsistent with the Resolution of the House of Commons' Committee and with the understanding that prevailed when the Act of 1869 passed. I observed that the noble Marquess, although he quoted from a speech of my noble Friend (Lord Lyttelton), abstained from quoting anything which fell from me, and I must therefore conclude that he was unable to find anything that was uttered by me at that time which made for his case; but he did say that in the course of the debate I had said that this and that had been settled in Select Committee, and that it was undesirable to alter it; I did say so, and I say so now. I say to my noble Friend that the speech which he has made to-night is inconsistent with the Resolutions of the Select Committee of the House of Commons, and with the understanding that existed when the Act of 1869 passed. I have shown it, I have proved it, and I have referred to the well-known Members of the Conservative party who voted on the occasion in question. Now, my Lords, I can very well understand the noble and learned Lord opposite (Lord Cairns) voting for the bare Resolution against this scheme; but I must own that it is difficult to understand how he can vote for the principles that are contained in this Address. I confess that I am utterly unable to understand it. The present scheme appears to me to be the complement of the Act, and if your Lordships are pleased to reject it on the grounds put forward by the noble Marquess in his Address, a complete stop will be put to the work of the Endowed Schools Commissioners. My Lords, that appears to me to be a very grave

The Marquess of Ripon

and serious thing to do. The noble Marquess has on his side on this question of giving gratuitous education to the poor, his own very authority, besides that of the noble and learned Lord (Lord Cairns) and that of the Corporation of the City of London. But then, my Lords, we have to set against this system of patronage and gratuitous education the authority of the Schools Inquiry Commissioners—we have the authority of 300 gentlemen connected with the best schools in England—we have the authority of the noble Lord (Lord Lawrence) who has just spoken not only as one who has given considerable attention to educational questions, but as the mouth-piece of the School Board of London, and who has laid before your Lordships the views of that great representative council as to the mode in which a scheme such as that now proposed would benefit primary education, and would consequently benefit the poor in the Metropolis. I say, my Lords, that if you want anything in support of the argument which I venture to address to your Lordships, and in answer to the speech of my noble Friend opposite, you will find it in the remarks which have fallen from my noble Friend (Lord Lawrence) who has just sat down. I, for my part, certainly do not think there could be found in this country a set of men of greater weight in reference to education than those gentlemen to whom I have referred. What the Corporation of the City of London ask your Lordships to do is this—to affirm the principle that it would be robbing the poor to take away from irresponsible trustees the power of giving the 64 nominees positions in the school, in favour of the scheme that would give a great impetus to education. A school managed under a system of patronage must, I contend, from its very nature, possess less energy than if a spirit of competition were infused into the pupils, and its efforts must of necessity become stagnant and cold. Under the proposed scheme, instead of the poor merely deriving such benefit from these foundations as is represented by 64 nominations, the large primary schools at Westminster will have the advantage of being connected with a system which would give education to 900 children. What is the benefit of educating 64 children compared with that of a scheme which will educate 900 children, and will

also place them in direct communication with the primary schools? In my humble opinion, the stimulus that would be thus given to primary education would be of more advantage than any amount of patronage to the children of the poor. My Lords, I will not trespass on your Lordships' attention at greater length; I will only say, in conclusion, that this is in no sense a party question, and I appeal confidently to noble Lords on both sides of the House not to reject the scheme now under discussion. The present Motion cuts directly at the root of the Act of 1869, and if it were passed it would be impossible to apply the Act in accordance with the Report of the School Commissioners, which is the avowed basis of the Act of 1869. In that Act there is a provision enabling either House of Parliament to interpose and stop the progress of any scheme framed under it. But it seems to me that your Lordships are now invited by this Motion to take upon yourselves a very grave responsibility, and to go in the teeth of the Schools Inquiry Commissioners, to go in the teeth of the first teachers in this country, to go in the teeth of the London School Board, and of all the authorities who have made this question almost the study of their lives. My Lords, it is my conviction that the Motion of the noble Marquess would strike a serious and disastrous blow at the progress of education in this country, and I do most earnestly trust that your Lordships will refuse to sanction it.

EARL NELSON: My Lords, it is impossible for me to give a silent vote upon the Motion which has been brought before your Lordships by the noble Marquess (the Marquess of Salisbury) without stating my reasons for supporting it. It is my intention to vote for the Resolution which has been moved by the noble Marquess, upon the ground that these endowments have been left for the benefit of the poor; and I object to the scheme which has been propounded by the Endowed Schools Commissioners, because it diverts a large portion of the endowments of Emanuel Hospital from the education of the poor, and I do not think that the scheme deals with them in such a fair and liberal spirit as it should do. Now, my Lords, I entirely admit that to use such endowments as these with a view of saving the rates is a wrong mode of employing endowments

which have been left by their founders for the benefit of education; but, then, my Lords, I venture to maintain that these endowments were meant for the benefit of the poorer class, and I must say that I do not think that the scheme which is now before your Lordships deals with that class of the population of this country in as full and liberal a manner as it ought to do. According to the scheme of the Endowed Schools Commissioners there will not be entirely free scholarships for more than 10 in every 100 scholars. It is not contemplated or intended that the new schools should have a larger number than 900 scholars, and under the proposed scheme there will be more than 90 scholarships for the benefit of those children who have been educated in their elementary schools. It is at the present time a reproach to some of our great schools that the poorer classes do not derive the benefit that was originally intended for them. And, my Lords, I do not think it at all proper that examples of that kind should be increased. In my humble opinion a better education than that which is given at the present time in elementary schools ought to be put within the reach of the poorer classes, who ought also to have the means of acquiring a technical education, and of thus preparing themselves for admission to the higher schools of the country. I think that that should be secured to them in order that they might have a chance afforded them of rising in the social scale. Well, now, my Lords, it certainly does occur to me, as I stated just now, that this proposed scheme of the Endowed School Commissioners, however well it may sound at first, will really in a very short time do for these few schools which are to be started in Westminster the very same thing that has happened in our great schools of Eton and Westminster and Winchester. It is a reproach against those schools that, although the education to be bestowed there was originally intended for the poorer people, yet that the expenses connected with those schools have been raised in such a manner that the poorer classes never can derive any benefit from them. My Lords, I have the sincerest desire to improve the education of that class of the people by competitive examinations, and by giving them a higher education than they can by any means

get from the proposed schools. That is my earnest desire, and I really do believe that under this scheme you will injure and impair these endowments, and take the benefit of them away from that very class that ought to be the first to receive benefit from them. For what, my Lords, is the case at the present time? Is it not this lower class of our people that are at present doing their utmost to rise in the social scale? And are we not bound to assist them in that object, and is it not wise of us that they should be so assisted? I really do think, my Lords, that the poor deserve the chance of a better education—an education which a scheme of this sort, if properly managed, might give them.

On Question? their Lordships *divided*:—Contents 64; Not-Contents 56: Majority 8.

Resolved in the Affirmative.

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

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Beaufort, D.	Bagot, L.
Buckingham and Chandos, D.	Blayney, L.
Marlborough, D.	Bolton, L.
Richmond, D.	Boston, L.
Rutland, D.	Buckhurst, L.
	Cairns, L.
Abercorn, M. (<i>D. Abercorn.</i>)	Chelmsford, L.
Salisbury, M. [<i>Teller.</i>]	Churston, L.
	Colchester, L.
Bantry, E.	Colonsay, L.
Beauchamp, E.	Delamere, L.
Carnarvon, E.	De Saumarez, L.
Doncaster, E. (<i>D. Buccleuch and Queensberry.</i>)	Egerton, L.
Eldon, E.	Elphinstone, L.
Feverisham, E.	Grantley, L.
Home, E.	Grinstead, L. (<i>E. Ennis-killen.</i>)
Lanesborough, E.	Hartismere, L. (<i>L. Heniker.</i>)
Lauderdale, E.	Headley, L.
Nelson, E.	Heytesbury, L.
Powis, E.	Houghton, L.
Rosse, E.	Hylton, L.
Tankerville, E.	Kesteven, L.
Verulam, E.	Northwick, L.
	Oranmore and Browne, L.
De Vesci, V.	Sheffield, L. (<i>E. Sheffield.</i>)
Hawarden, V.	Silchester, L. (<i>E. Longford.</i>)
Hutchinson, V. (<i>E. Donoughmore.</i>)	Sinclair, L.
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	[<i>Teller.</i>]
Hereford, Bp.	Somerhill, L. (<i>M. Clanciarde.</i>)

Earl Nelson

Sondes, L.	Thurlow, L.
Stanley of Alderley, L.	Tredegar, L.
Stewart of Garlies, L. (<i>E. Galloway.</i>)	Wynford, L.
Stratheden, L.	Zouche of Haryngworth, L.
Talbot de Malahide, L.	

NOT-CONTENTS.

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Cleveland, D.	Camoy, L.
Saint Albans, D. [<i>Teller.</i>]	Clandeboy, L. (<i>L. Dufferin and Claneboy.</i>)
Ailesbury, M.	Clifford of Chudleigh, L.
Lansdowne, M.	Congleton, L.
Ripon, M.	Crewe, L.
Westminster, M.	De Tabley, L.
	Dinevor, L.
Camperdown, E.	Gwydir, L.
Chichester, E.	Lawrence, L.
Cowper, E.	Leigh, L.
Devon, E.	Lismore, L. (<i>V. Lis- more.</i>)
Ducie, E.	Lurgan, L.
Granville, E.	Lyttelton, L.
Grey, E.	Meldrum, L. (<i>M. Huntly.</i>)
Kimberley, E.	Methuen, L.
	Mostyn, L.
Halifax, V.	Northbrook, L.
Powerscourt, V.	O'Hagan, L.
Sydney, V.	Ponsonby, L. (<i>E. Bessborough.</i>)
Torrington, V.	Robartes, L.
	Romilly, L.
Bangor, Bp.	Rosebery, L. (<i>E. Rosebery.</i>)
Carlisle, Bp.	Saye and Sele, L.
Exeter, Bp.	Seaton, L.
Oxford, Bp.	Suffield, L.
Ripon, Bp.	Sundridge, L. (<i>D. Argyll.</i>)
St. David's, Bp.	Truro, L.
Belper, L.	Wrottesley, L.
Boyle, L. (<i>E. Cork and Orrery.</i>) [<i>Teller.</i>]	

SAINT MARGARET'S HOSPITAL AND THE GREY COAT HOSPITAL.

Moved that an humble Address be presented to Her Majesty, praying that Her Majesty will withhold Her assent from the schemes of the Endowed Schools Commissioners relating to Saint Margaret's Hospital and the Grey Coat Hospital.—(*The Marquess of Salisbury.*)

THE LORD CHANCELLOR: My Lords, I have some remarks to offer to your Lordships in reference to this Motion, and I intend to be heard. I know every school in this parish; I have lived in this parish 40 years, during the whole of which time I have been connected with, and deeply interested in them all, and I cannot help at once declaring that I think you have done a disastrous thing for education in Westminster by the vote which your Lordships have just given. We who have interested ourselves in the matter, the inhabitants of West-

minster have been doing our best; we have laboured hard to bring up education to anything like a right tone—to bring up education to something like what it ought to be. When I first knew the parishes of St. John's and St. Martin's they had only about 200 or 300 children in the poor schools, and there are now between 4,000 and 5,000, and I am happy in being able to say it. But, my Lords, instead of enabling us, instead of encouraging us to go on and continue our labours, as we had hoped to do, instead of increasing the number of schools and instead of increasing the number of children who attended them, your Lordships' vote to-night will have the effect of a wet blanket on our energies, a wet blanket has been cast over all the hopes to which the success of past exertions had given birth; and thus for the sake of preserving this comparatively small and unimportant institution of Lady Dacre in the fashion in which it has been going on, you have stopped at once a grand, a great, and a useful scheme of education in Westminster. Now, my Lords, my noble and learned Friend (Lord Cairns) has spoken, as I expected he would do, with honesty and candour of the objects and motives of the Endowed Schools Commissioners. I observed that with much pleasure. I heard nothing from my noble and learned Friend, nor did I expect to hear anything from him in the course of his speech. My noble and learned Friend has abstained altogether from any reference to what has been called the "robbery about to be perpetrated on the poor" and so forth by the proposed scheme of the Commissioners; and I should myself have almost scorned to take any notice of the foolish imputation had it not been for the fact of the noble Marquess having made some remarks upon a public meeting which was recently held in Westminster, at which resolutions favourable to his Motion were unanimously carried.

THE MARQUESS OF SALISBURY: Almost unanimously carried.

THE LORD CHANCELLOR: Almost unanimously carried. Now, then, let me tell your Lordships a little about how that meeting was got together, and then I do not think anybody will wonder at the decision that was come to at that public meeting. I must tell the noble Marquess that bills were posted up in

all the publichouses in the neighbourhood as at a General Election. There was also a general notice stating that the meeting was to be held to protest against and to prevent the robbery of the poor, and I really was ashamed at that representation having been supported by some of those individuals who were at the meeting. Well, my Lords, we have an old—a very old instance of the effect of the plea of robbery of the poor—

THE MARQUESS OF SALISBURY: I rise to Order. The noble and learned Lord is speaking in reply to speeches that have been made in reference to a matter that has been already decided. Your Lordships have already debated and decided on the question, and I apprehend that we cannot now revive the debate. I would suggest the withdrawal of the Motion in order that it may be discussed at a future period.

THE LORD CHANCELLOR: I have no objection to that course being pursued. I have not the least objection to the noble Marquess's withdrawing the Motion; but depend upon it, I mean to be heard, and I mean to notice and to answer all the arguments that have been advanced to-night.

THE MARQUESS OF SALISBURY: Then I beg to withdraw the Motion.

EARL GRANVILLE: The noble Marquess cannot withdraw the Motion without the Leave of the House.

LORD CAIRNS: I beg to suggest that the debate be adjourned, inasmuch as the attention of your Lordships was not directed in the debate on the previous Motion to the subject now before the House.

Moved, "That the debate be now adjourned."—(*The Lord Cairns.*)

After short interruption—

Motion for the adjournment of the debate *withdrawn*.

THE LORD CHANCELLOR then proceeded to say: My Lords, I am perfectly in Order, I believe, in saying this, that the Motion of the noble Marquess refers to the Greycoat School. I am a Governor of the St. Margaret's Hospital; I am a Governor of the Greycoat Hospital; and having some little interest in those institutions, I beg to tell your Lordships that I most approve of the scheme which is

proposed by the Endowed Schools Commissioners. I will remind your Lordships that within recent years the Legislature has dealt successively with all the branches of our education, and has formed them as it were into a hierarchy, rising in due proportions from the elementary schools to the Universities. Parliament having dealt with the Universities—having dealt with the public schools and the endowed schools by enacting laws under which they might be reformed, Parliament, I say, has by the Elementary Education Act, completed what I may call the groundwork of the system of education for all classes, by which it is hoped that, in time, the children of the elementary schools can pass from one grade to the other, and thus to the Universities. The Endowed Schools Commissioners have acted in accordance with the spirit of that legislation; and notwithstanding this, and notwithstanding the very great amount of good that has resulted from their exertions, they are charged with robbing the poor. Now, my Lords, the description “poor” does not necessarily mean the children of the ragged schools. I may mention this matter to your Lordships—that there is an instance of the Court of Chancery having many years ago included a Duchess having an income of £2,000 a-year among the “poor relatives” of a deceased nobleman. I contend that by the term “poor children” is meant those who desire and who deserve a better education—a superior education to that which the circumstances of their parents can afford. It is perfectly well known that the children of well-to-do labouring men attend these schools. And, my Lords, what I do most earnestly desire is, that such children in all elementary schools shall have placed before them the hope of obtaining gratuitously a better and higher education than their parents can afford to give them; such hope to act as a stimulus to exertion on the part of the scholars, and as an inducement to the parents to allow their children to remain longer at school than is the case at the present time with that grade in society to which they belong. My Lords, to revert to that point once more, I assert that the scheme of the Endowed Schools Commissioners would give that very stimulus to the elementary schools which is now so much needed, and it assuredly would enable them to

cope more successfully than they have hitherto been able to do with the great difficulty of education in London, which difficulty is to keep the children at school after they are 12 years old; and this parents would be induced and encouraged to do when once they became convinced that diligence and attention on the part of the children might be rewarded by their obtaining an exhibition for a higher school, and that all the prizes of the higher order might be placed within their reach. Now, my Lords, all these bright prospects will be fatally injured unless some such scheme as that which is now under discussion can be carried out. I need hardly assure your Lordships that if, for a single moment, I believed that the effect of the scheme of the Commissioners would be unfavourable to the cause of education for the poor, I would rather cut off my hand than assent to it; but, my Lords, my belief, my firm conviction is that it will have a tendency of an exactly contrary description. Now, my Lords, I do not feel justified in detaining your Lordships longer upon this subject, and in concluding my observations I am sure I need hardly assure you that this with me is no party question—that I have not taken part in the consideration of this question in any, the slightest, degree on any ground of party, but that I have approached the subject with nothing less than an earnest and sincere desire to assist in the good work of education. And, my Lords, let me add that as an inhabitant of Westminster for many years, and as a Governor of the two schools which are now proposed to be dealt with by the Motion of the noble Marquess, I do most earnestly implore the House not to give your sanction or approval of any step which may in any way be calculated to arrest the progress of the most useful reforms which have been inaugurated by the Endowed Schools Commissioners, and which I look upon as a boon and a blessing conferred upon the poorer classes of this country.

THE MARQUESS OF SALISBURY: Allow me to remind your Lordships that I ventured to interrupt the noble and learned Lord on the Woolsack when he commenced his remarks, only because it appeared to me that this Motion was a simple corollary to the previous one which your Lordships had already ac-

The Lord Chancellor

cepted and agreed to, and that being so a fresh debate was not expected to take place. But, my Lords, I must now be allowed to state that I object to the scheme of the Endowed Schools Commissioners in reference to these two schools — namely, St. Margaret's Hospital and the Greycoat Hospital, upon exactly the same grounds as those on which I object to their scheme in reference to Emanuel Hospital; and it was under these circumstances that it appeared to me to be unnecessary to trespass upon your Lordships' time by a repetition or reiteration of the arguments which I had already advanced in support of my Motion.

THE BISHOP OF EXETER: My Lords, I do not wish to travel over the ground that has been so ably and eloquently gone over by the noble and learned Lord on the Woolsack, and I assure your Lordships that I will trespass upon your indulgence for a very short time indeed. And, my Lords, permit me to say in the outset that as a schoolmaster and school manager of extended experience, I desire briefly to oppose the Motion of the noble Marquess, and to give my humble but hearty support to the scheme that has been propounded by the Endowed Schools Commissioners for the future management and government of these hospitals. Of course, I do not for one moment venture to offer any opinion upon the point of law involved in these schemes; but I do desire to express my hearty approval of them so far as the education of the poor is concerned, and my firm belief that they will afford it precisely the stimulus that is wanted at the present time. What I desire, my Lords, more than anything else in connection with this question is the good of the poor, and if anybody could show me any scheme which, in my judgment, would be more advantageous to that class of the community than the scheme which is proposed by the Endowed Schools Commissioners, I am sure I need not tell your Lordships that it would receive my support. My Lords, when the Schools Inquiry Commission of which I had the honour to be a member was sitting, several gentlemen who had visited the Exhibition in Paris urged the Commission to recommend the establishment of schools for the technical education of British workmen who were being distanced by the more technically

educated workmen of the Continent; it was said that our mechanics and artisans were more deficient in technical education than their brethren in France. The question was discussed, and fully discussed, but the conclusion that the Schools Inquiry Commissioners arrived at was that it was not advisable to waste energy upon technical and art instruction as long as the general education of the people continued so deficient as it then was—the Commissioners felt that before technical education could be promoted and extended it was absolutely necessary that the means of general elementary education for the people should be more amply provided, and that it could only be done and stimulated by some such scheme as that which is now proposed. It is for that reason that I support the scheme. There have been, as your Lordships well know, instances of men rising to high positions in the State, although they have been born in humble circumstances; and we all know that such men have, for the most part, received the foundation of their education in grammar schools where instruction in the higher branches of learning was gratuitously afforded. I entertain the opinion that in any new system of education similar means ought to be provided; but inasmuch as schools of the description that I have named have no longer any existence, I believe that the only way by which this object can be gained will be by providing the schools, and also the exhibitions by means of which the more promising boys in the elementary schools can proceed to the higher branches of learning. A school between that for the working classes and that for the middle classes was found to be wanting, and it seemed to the Commissioners that no better use could be made of the endowments for the poor than by establishing such schools. In my opinion, my Lords, there is no better way of benefiting the poor and the middle class immediately above them by setting up schools of the third grade. That has been objected to, and it has been said that by doing it you are diverting the funds of the donors—that you are taking these foundations away from the poor. That I take leave to deny, and to assert that what is done is done with the intention of giving the poor the greatest gift that can be bestowed upon them—the best blessing which they can receive. It is true that

others than the poor are admitted to these schools. It is perfectly manifest that you cannot have good schools for the poor unless they are of a size to attract efficient masters as well as a good staff, and then by admitting children of a different class upon payment you raise the character of the school above the level of one which is merely devoted to elementary education. The advantages which are conferred by the school are not thereby taken away; but, on the contrary, are positively increased for the benefit of the poor. My Lords, as I said a moment ago, other classes than the poor are admitted to these schools, but then they are admitted on payment. Why should they be admitted at all? Because schools cannot be made efficient unless they are sufficiently large to attract teachers, and sufficiently large to attract pupils. The admission of the middle classes into the schools for the poor enables the requisite and thoroughly efficient masters to be obtained. How, then, I ask, can it be said that that is taking away from the poor? Now, my Lords, upon the question of competitive examinations, in my opinion they are good or bad in proportion as they are adapted to the schools in which the children are taught. It is good of the children to govern the examination, but it is bad if the examination govern the children. Upon that very question of competitive examination, I maintain that it is possible to devise a system, even in the case of children below 13 years of age, which would benefit not only the school to which they might come, but also the schools from which they came. The thing has been tried, it has been done in the town of Doncaster under the wise supervision of the present Master of the Temple, and there cannot be the least question of its success. Nor would such a system give a premium to the well-to-do. Everybody knows that boys that come from public schools always beat at competitive examinations those who have received private tuition, and so it will be possible to take the children from the elementary schools and give them, without the slightest unfairness, a distinct advantage in all the competitions. Now, my Lords, notwithstanding the adverse vote which has been come to this night in respect to Emanuel Hospital, I do most earnestly entreat your Lordships not to allow the opportunity

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to pass by of conferring a vast public benefit on the very class of the community for whom this charity was originally designed, and who will necessarily derive a greater amount of benefit under the scheme of the Endowed Schools Commissioners than under any other system of government.

LORD HOUGHTON said, that notwithstanding all he had heard urged against the Motion, he felt much regret in saying that he was compelled on that occasion to separate himself from the party with which he was generally associated, and to vote in favour of the Motion. As far as he was himself concerned, he could not help thinking that very great harm had resulted from applying the principle of competitive examination to all public offices in this country.

THE DUKE OF ARGYLL said, that, as the noble Marquess (the Marquess of Salisbury) had said that the question now under consideration was precisely the same as that of which the House had already disposed, any Member was in Order in addressing to the House any arguments adduced in the former discussion in reference to the question now before them. His noble Friend behind him (Lord Houghton) had stated as his reason for voting against the Government his strong dislike to competitive examination. He himself (the Duke of Argyll) had no fanatical enthusiasm in favour of it, but he believed his noble Friend had been misled by a phrase on this occasion. The scheme of the Endowed Schools Commissioners was simply that in selecting the poor to be admitted to the benefits of the charity, the best and cleverest child should have the preference. It was not open competition which they proposed, but competition between children who were poor and who had received an elementary education. A great deal of the debate had turned on the question of what was really for the benefit of the poor. In the documents circulated among their Lordships on behalf of the Corporation of London it was stated that all education of a higher kind was really unfit for the poor; but surely the cleverest of the poor were fully entitled to the benefit of a high secondary training? There had been circulated among their Lordships that morning, in the name of the Corporation of London, a document, dated Guildhall, June 28

or 29, which contained the following passage :—

"We are charged with having made no attempt to make the school the means of eliciting superior qualities and promoting the possessors of them. We freely admit the charge, and we should hold it to be a breach of our trust to divert the bounty intended for the poor and destitute for purposes of higher education."

["Hear, hear!"] He must say that anybody or Corporation that repudiated that argument and actually laid down, as a dogma and a doctrine on which they intended to act, that education of a higher class ought not to be given to the poor—such a body ought no longer to be intrusted with the management of schools. The Motion which had been carried that evening by a small and insignificant majority would carry no weight in the country; but, at the same time, it would stop the operations of the Commissioners, as it laid down a principle opposed to the whole system recommended in the Report of the Endowed Schools Commissioners. The principle on which the Motion was based was that no change ought to be made in schools unless positive abuses could be proved to exist in them. That, he maintained, was not a principle that ought to guide them in a matter that concerned the education, and therefore, necessarily, the future welfare of the poorer classes; and it was not the principle of the Act of Parliament, the Preamble of which stated in distinct terms that an inquiry had been held by certain Commissioners, who had made recommendations for the purpose of improving education in that country, keeping as far as possible to the main intentions of the testators; and it distinctly stated that it was the object and intention of the Act that the Commissioners should carry into effect the main recommendations of that Report. What were those main recommendations? One was, that the management of schools should no longer be in the hands of bodies who were not elected for that purpose, and should not be in the hands of bodies who were not ashamed to own that they would refuse to the poor and destitute—even to the best and cleverest among them—the advantages of a better and higher education. Another principle was, that gratuitous education should not be indiscriminately given. These were the two principles—the two main principles

—contained in that Report, and the Report was embodied in the Act of Parliament; and he maintained that the noble Marquess had persuaded a small majority of their Lordships, by appeals to their feelings and prejudices, to adopt an Address the main object and effect of which would be to neutralize a solemn Act of Parliament.

THE MARQUESS OF RIPON said, that after the decision of their Lordships in respect of the previous Motion, he would not put their Lordships to the trouble of dividing.

On Question, Whether to agree to the said Address? *Resolved* in the *Affirmative*.

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

House adjourned at half past Nine o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 30th June, 1871.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [June 27] reported.

PUBLIC BILLS—Ordered—First Reading—Electricity Commissioners Expenses * [220].

Second Reading—Landlord and Tenant (Ireland) Act, 1870, Amendment * [215]; Industrial and Provident Societies Amendment * [188].

Second Reading—Referred to Select Committee—Municipal Corporations (Borough Funds) * [203].

Committee—Report—Intoxicating Liquors (New Licences) * [157-219].

Report—Dean Forest and Hundred of Saint Briavels * [190].

Considered as amended—Army Regulation [39]; Primitive Wesleyan Methodist Society of Ireland Regulation * [143].

Considered as amended—Third Reading—Prayer Book (Tables of Lessons) [181], and passed.

The House met at Two of the clock.

POST OFFICE—TELEGRAPH DEPARTMENT.—QUESTION.

LORD GEORGE HAMILTON asked the Postmaster General, Whether it is true that, although more than a year has elapsed since the whole of the business connected with the Telegraphic system

in England was transferred to the Post Office Department, no additional pay has been received by the Postmasters, Sub-Postmasters, and Letter Receivers for the additional work thus entailed upon them; and, if so, when it is the intention of the Government to consider their claims to increase of salary?

MR. MONSELL, in reply, said, it was not true that no additional pay had been received by postmasters, sub-postmasters, and letter receivers for the additional work. In many cases additional payments had been made, and all the cases were now under consideration. He could not state with certainty how much had been done, because, as he had before explained—for the question had been put three times—the schedules showing what had been and what would be done which he had called on the Surveyor to furnish had not yet been presented. It had been found impossible to do so up to the present, though the question had been pressed on as rapidly as circumstances would permit.

ARMY—ROYAL ARTILLERY—MEDALS. QUESTION.

MR. P. A. TAYLOR asked the Financial Secretary of the War Department, Whether it is a fact that all soldiers in the Royal Artillery are entitled after twenty-one years' service, if they have never been tried by Court Martial, to a good conduct medal and a gratuity of five pounds, and that an intimation to this effect is read out to the men on muster days; and, whether he is aware that under such conditions an application for the gratuity has been refused on the ground that there are no funds available for the purpose?

CAPTAIN VIVIAN: Sir, no order of the nature referred to in the Question of my hon. Friend is read to the men of the Royal Artillery on muster or any other days. The only orders on this subject read to the regiment are those contained in the General Regulations and Orders for the Army, by which soldiers, who have duly qualified as regards service and character, may, at the discretion of their commanding officer, be awarded medals with gratuity, subject to the limit laid down by Article 896 of the Pay Warrant. That article limits the amount to £40 per 900 rank and file. I may remark that in the Royal Artillery,

Lord George Hamilton

to their great credit, the number of men qualified for this reward greatly exceeds the number who obtain it, owing to the limit as to money to which I have referred.

ARMY REGULATION BILL—[BILL 39.]
(*Mr. Secretary Cardwell, Sir Henry Knight Storks, Captain Vivian, The Judge Advocate.*)

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed,
“That the Bill be now taken into Consideration.”

LORD ELCHO, in rising to move—

“That it is inexpedient to consider the Bill, as amended, until the whole of the scheme of the Government for the first appointment, promotion, and retirement of officers, together with an estimate of its probable, possible or ultimate cost, have been laid upon the Table,”

said, the Tichborne claimant, in describing some change for the better in his physical condition, was reported to have used this expression—“It has busted, and I feel much better.” In words more euphonious, but similar in sense, the right hon. Gentleman the Prime Minister announced on the 12th of June to the astonished House of Commons the collapse of this measure. “We have lightened our Bill,” he said, “of everything that was immaterial.” In point of fact, it was the bursting of the bubble which had been so industriously blown by the officials on the Treasury Bench, and which their friends in the Press and elsewhere had done their best to swell. Pricked by public discussion, that bubble had collapsed, and they had nothing but a few soap-suds in their hands, in the shape of the Bill now to be reported. The danger the country ran was that the circumstances which gave rise to the measure should be totally forgotten. He would, therefore, remind the House what these circumstances were. The Bill was brought in in deference to a strong feeling roused by recent events abroad, which urged and invited the Government to settle for ever the great question of our military organization. This public feeling was based upon the urgency of affairs abroad; upon the knowledge that we had engaged to defend Belgium; that in every branch of the service there was disor-

ganization; that the age of the men did not fit them for active service; that there was a want of artillery, and no proper amalgamation between the Regular forces and the Reserves. It was based, moreover, upon the acts of the Government, or rather upon the striking contrast between their acts and their words. Last year the Government represented everything as *colour de rose*, took credit for reductions in the number of men, even in the artillery, and declared they had never been so strong since 1815, though they might under the changed conditions and requirements of the times, just as well have taken the standard of our military forces during the Heptarchy. But it was found that the reductions were made to a much greater extent than they ought to have been, and the contrast between the words and the acts of the Government became very strongly marked, for before Parliament separated, they had to take powers to add 20,000 additional men to the Army, and when Parliament re-assembled last February, the artillery, for the reduction of which they had previously taken credit, was nearly doubled. This Bill was then introduced for the purpose of dealing with the whole subject; it was not then regarded as a partial measure, affecting only one branch of the subject. But when, on the 12th instant, the right hon. Gentleman the Prime Minister said that purchase was the one thing of importance contained in the Bill, he (Lord Elcho) disputed the point, on the ground that the Secretary of State for War, when introducing the Army Estimates, and explaining the provisions of that measure, stated that its object was to render panics for ever unknown. On the 16th February last, when the Secretary of State for War brought forward the Army Estimates, he practically introduced this Bill, and on that occasion he made these observations—

MR. SPEAKER said, that the noble Lord was not in Order in reading any report of what had taken place during any of the debates of the present Session.

LORD ELCHO said, in explanation, that the quotation he wished to read had immediate reference to the subject.

MR. SPEAKER said, that that did not alter the question of Order involved in the case.

LORD ELCHO said, that as he was precluded from reading the quotation, he should have to rely on his memory. The Secretary of State for War on that occasion said substantially that the Government felt the necessity of welding into a harmonious whole the various component elements of our military forces—the Regular Army, the Militia, and the Reserves; and that what they intended to do would have the effect of rendering panic, or the apprehension of panic, for the future altogether unknown. He (Lord Elcho) confessed that when he first saw the Bill he did not think it came up to the description which had been given of it. As he before observed, on the 12th instant, the right hon. Gentleman the Prime Minister repudiated the idea that the Bill was anything but a purchase Bill. Now, whatever view might be taken on that point, he would only say that if that speech of the right hon. Gentleman had been made on the 16th of February, instead of the 12th of June, it would have been scouted by the country and by that House as an indication of any settlement, or proper mode of dealing with this great question. The right hon. Gentleman, on the 16th of February, dared not have made such a statement—it was only after he had tested the well-marshalled character of his majority, and the readiness of that majority to follow him into the lobby, that the right hon. Gentleman could use such language. What the House had to deal with now was, not the measure as a whole, but a mere fragment, abolishing purchase, transferring the powers to appoint to commissions from the Lords Lieutenant of counties to the Secretary of State, and putting Volunteers under the Mutiny Act. The Bill had been forced through that House without any concession of any kind to anyone, and that fact was made the subject of boasting on the other side of that House; but hon. Gentlemen should recollect that they had only passed what was left of the Bill—not the whole measure. The Government had laid great stress on the absolute necessity of abolishing purchase in order to do certain things; but that House had had considerable difficulty in getting to the bottom of those matters. One of the objects of the Government was to amalgamate the Regular and the Reserve forces, for which purpose

[Consideration,

the power of the Lords Lieutenant to nominate to commissions was to be done away with. But it turned out that that amalgamation of the Regular and Reserve forces was all moonshine. As to having brigadiers with a command of 20,000 men, they would simply be inspectors under another name. Then as regarded commissions in the Militia, the recommendation of the Lords Lieutenant was still to be taken; and as to the transfer of officers of the Regular forces to the Militia, they learnt that supersession would only be resorted to in extreme cases as at present. In fact, excepting the nominal transfer from the Lords Lieutenant to the Secretary of State, everything stood as at present; and all that the Government said was necessary to be done could be done without the abolition of purchase, and without throwing such an enormous charge upon the national Exchequer. The improvement in the education of officers; the preventing of incompetent officers from commanding regiments; the opening up of the service to men with no money, by giving more commissions at Sandhurst; and the grant of more commissions to men rising from the ranks—all these objects could be attained at the present annual cost to the nation. As to the proposal to put the Volunteers under the Mutiny Act, it gave the Government no hold upon the Volunteers—which was the thing wanted—and did nothing to weld together the Regular and Reserve forces. All that fragmentary measure now did was to disorganize; there was nothing constructive about it; it was wholly destructive, and the House neither knew the cost of it nor the future system which was to take its place. The only Amendment of any value adopted during the discussion on the Bill came not from the Government, but from the hon. Member for Finsbury (Mr. W. M. Torrens)—namely, that men below a certain age should not be sent to India to die there like flies. And how had the minority in the House of Commons been treated by the Government? That was a grave question and really overshadowed all others connected with the Bill. Hon. Members were sent there to guard the national institutions, to see they were not wantonly destroyed, and if any were swept away to see that the substitute was known and understood. They were sent there to act as jealous

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guardians of the public purse; to see that no new taxation was levied on the hard earnings of the people without sufficient justification and full knowledge of the purpose to which it was to be appropriated and the benefits to be derived therefrom. He considered that in any contemplated reform implying great changes—he might almost say a complete renovation—without the necessary facts and materials it was impossible for the House to legislate. But in that case the necessary materials had been refused. The House had been kept studiously in the dark, and the answer of the Government had invariably been—"Pass the Bill and then you shall know what the cost will be and what the substitute will be." In short, they had invited the House to embark on an unknown expenditure for unknown results. Now, when they found a system working well, giving them efficient officers, being, in fact, the only sound part of their military system which had stood the test of war, was it not the extreme of folly to sweep it away? At all events, if it was to be swept away, the House of Commons had a right to know what the substitute was to be. Yet they knew practically nothing, except that the system of selection was to take the place of the system of purchase. As to that new system of selection, however, everything was vague. They were told it was to be selection tempered by regimental considerations and seniority, and eminent men were said to be laying down some plan. But the House ought to know the details of the plan, for the whole question turned upon details. They were told that the Secretary of State would not himself interfere, but that the patronage would be in the hands of the Commander-in-Chief. But what was the Commander-in-Chief's position in the War Office List of June, 1870? He was there put on the same level as the Financial Secretary to the War Department and the Surveyor General, and his name absolutely appeared as fifth in the list. The Secretary of State was supreme, and there was great danger of Parliamentary influence and favouritism being again brought to bear on the appointments to the Army as well as in the Militia. Then they were told they must not interfere with regulations, but must trust to the Government; but Government was always changing, and, more-

over, there was nothing in the past conduct of the Government to give that House any confidence that they had the power of laying down a clear system in Army matters—but still he had a precedent for asking for the production of some plan, because in last Session the Government yielded to the demand made that, before passing the Bill for establishing the offices of Surveyor General and Financial Secretary, they should lay down the regulations, showing what the duties of those officers were to be before Parliament. Strong as the argument was as regarded the abolition of purchase, it was infinitely stronger as to the cost. The Government proposition entailed an expenditure of £8,000,000 to be spread over a certain number of years, though everything they professed to do could be done without that expenditure, and, in addition, the cost of the annual retirement was calculated by some persons at £1,250,000, while at present the officers themselves paid the expense of the system of retirement. He was told that the conduct of those who opposed the measure of the Government had been criticized by the Liberal Press in the country, which suppressed the speeches of those hon. Members who objected to the Bill, and the opposition had been characterized as the opposition of colonels suddenly becoming economists, and fighting for their own interests, or the interests of those connected with them, and desiring to establish in this country a military caste. He was himself neither a soldier nor the son of a soldier, and had no interest in the Army as regarded over-regulation prices. At any rate, his interest was less than that of the right hon. Member for Morpeth (Sir George Grey), for though he had a son in the Army, his son was only a lieutenant, while the son of the right hon. Member for Morpeth was a major or colonel. But that contest had not been carried on by colonels in the sense insinuated. He understood that there were only four colonels in that House receiving full-pay, the other colonels having seats as Members of Parliament being either Militia colonels or retired colonels. Therefore, the charge that the opposition to the present measure arose from motives of pecuniary interest was most unjust, and it should be borne in mind that resistance to it had proceeded from both sides of the

House, and included the hon. Member for Birmingham (Mr. Muntz); Nottingham (Mr. Seely); Stroud (Mr. Dickinson); and Waterford (Mr. Osborne); all of whom had respectively criticized and denounced it in the severest terms. He could multiply instances of that nature—instances showing that whether they looked at speeches, or the Amendments on the Paper, stronger opposition to the measure had come from the Liberal than the Opposition side of the House. Then they were charged with suddenly becoming economists; but he could say that he had on many occasions expressed the opinion that the country did not get its money's worth for the amount voted in the Estimates; and he opposed the present Bill on the ground that it entailed new burdens, without establishing the military system on a sound and enduring basis. As to the charge that the Opposition wished to create a military caste, he would observe that it was to the creation of a military caste which the Bill would effect that objections had been taken; for when purchase was abolished, and when the Government got rid of that class of officers whom he ventured to think were the salt of the service, and substituted for them another class, who must make the Army their profession for their whole life, then a military caste would be practically established. Then came the question whether the Opposition had been factious, in treating upon which—making, in passing, an allusion to himself (Lord Elcho)—the hon. and learned Member for Richmond (Sir Roundell Palmer) summed up in a lucid and impartial way the conduct of the Opposition, and held out the example of a contrary course which he alleged they had pursued on the Irish Land Bill. But he understood that the hon. and learned Gentleman took occasion to tear that Bill to shreds. He had heard that hon. and learned Gentleman give utterance to the most admirable sentiments with reference to the security of property as affected by that Bill, and one naturally expected that he would support them on a division; but he had always some saving clause; his feeling for the Prime Minister, and his unwillingness to injure the Government, led him to abstain from recording his vote against them. But there really was no analogy whatever between the course taken by the Government on the Irish

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Land Bill and the Army Organization Bill. The Ballot Bill was full of details, and there were numerous Amendments, some of them pictorial, showing the form of the tickets under which the poll at elections was to be taken. Suppose the Government had said the present system of conducting elections should cease, certain charges would be incurred by its abolition, various parties must be compensated; but they were resolved to give no information to the House as to what subsequent charges would be incurred; all they would say was, that they intended to substitute the principle of secret voting. Such a course would be similar to that which the Government had pursued in regard to this Bill. He ventured to say, therefore, that the Opposition, having resisted that course, had done only what was right, and that the faction, if it existed, was in the Government. Besides, he maintained public opinion was with the Opposition upon this question. He gathered this from the divisions that had been taken. The purchase clause was carried by a majority of 39, while Ministers boasted of a majority of 120; on the next Amendment the majority was 20; then the majorities were 19, and the last 16. These divisions were before Whitsuntide. After the holidays there was a snatch division, in which the Government had a larger majority, and the last division within the four corners of the Bill, upon which their majority dwindled down to 2. He therefore said public opinion was clearly with the Opposition on this question. And as to the way in which the Government had secured their majorities, all he need say was, that on one occasion he saw four hon. Gentlemen on the other side going into the lobby with the Opposition, when the Government Whip put his arms across the door and stopped them; they could not resist, and went away from the lobby into which they were going. How many had gone through the same process he could not tell; but the incident at least showed how majorities were got up. If, again, they looked into the public prints, they would find that the views advocated by the Opposition had been largely supported. But it was said by the Prime Minister that they had wasted the public time by discussing this matter so fully in Committee. Now, he would refer to a precedent set by the right hon. Gentleman the

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Prime Minister himself on another Bill. The right hon. Gentleman would remember the Divorce Bill of 1858. [Mr. GLADSTONE: 1857.] Well, in 1857 the right hon. Gentleman was strongly opposed to that Bill for relaxing the law of divorce. He did not know whether he had changed his views—[Mr. GLADSTONE: No!]—but after what they had seen he did not despair. The right hon. Gentleman might yet go to the American system of what they called “free love.” Did the right hon. Gentleman confine himself to one speech and one division against the Divorce Bill? No: he made three speeches against the Bill before it went into Committee, and 66 speeches before it was through Committee. Reverting to the treatment by the Government of the House of Commons upon the present Bill, he must say it was the more objectionable as the commencement of a system of personal government under the guise of a Liberal Administration. The minority, he repeated, had only done their duty, without at all exceeding the limits of Parliamentary government. But the result had been that the officers were denounced as incapable. When Balaclava was mentioned there was an approving smile on the lips of the Prime Minister. But Balaklava was in favour of the officers of the Army, not against them. If there was anything wrong in it—he did not say there was—it had occurred under the system of selection. The officers were said to be uneducated—he did not say they were, but if so it was not their fault, but the fault of the Government. [Lord EUSTACE CECIL: They are not incapable.] It was not for a moment to be supposed he coincided in such a disgraceful charge, for he maintained, on the contrary, that when tried the officers had never been found deficient; and it was the fault of the Government if they had not been like the Prussians accustomed to campaigning. For the first time the camps and manœuvres in Berkshire would give to the officers of the Army the opportunity of learning their duty at home in the field. The officers of the Army had been threatened, in the House, in the Press, by the Secretary of State for War, and by the right hon. Baronet the Chairman of the Over-regulation Price Committee (Sir George Grey), that they would not get over-regulation prices.

He would call that not confiscation, but repudiation, for everything showed that they were absolutely bound in honour to pay over-regulation prices; the meanness of saying that because the Government had been beaten on the Bill they would not pay over-regulation prices was equalled only by its foolishness; and, as there might be weak-kneed people who would believe in the threat, it was necessary that the matter should be put fairly before the House. The Solicitor to the War Office, Mr. Clode, in an Appendix to the Report of the Over-regulation Commission, said that prices more or less in excess of the regulation had always existed in the Army was scarcely open to doubt, nor was it less certain that the Crown, through its responsible officers, was cognizant of it, and the concluding paragraph of the Report stated that there had been a decided acquiescence in the practice, amounting, in the opinion of the Commissioners, to a virtual recognition of it by the civil and military Departments and authorities. Speaking in 1868, when he calculated that £7,126,000 represented the regulation prices, the hon. and gallant Gentleman the Financial Secretary (Captain Vivian) added that justice required an addition to be made for the sums paid under the system which had been connived at, and he was certain the hon. and gallant Gentleman would not say that officers were to be dealt harshly with and denied compensation, because the Government had failed to pass their Bill in its completeness. That over-regulation prices had been allowed could easily be proved, because they gave them the Reserve Fund of £1,700,000, and that promoted retirements, which would now cost them £1,200,000 a-year. In 1869, when a Question was asked by the right hon. and gallant Member for Wenlock (General Forester), about four cornetries of the Secretary of State for War, he said the Reserve Fund would be called upon to provide the means of purchasing them, adding that new arrangements were to be made to bring that fund more directly under the control of Parliament; and yet the Prime Minister had spoken of the fund as a mere trifle. Under these circumstances, it was unwise and undignified to use threats which would not be acted upon, and to accuse officers of breaking a declaration which was analogous to the

declaration against electoral corruption that used to be required of hon. Members, and which was at last set aside because it was not wise to press it. The state of the case was this — In obedience to public demand, the Government brought in a Bill which proposed to settle the whole question; it would not have done that had it been carried in its entirety; owing to opposition it had been reduced to a simple Purchase Bill, involving unknown expenditure for an unknown result; they knew that the cost was at least £8,000,000, and that they must sooner or later have a retirementscheme, which would cost £1,250,000 a-year; and the main questions, which they wished to see settled were left untouched. Speaking only for himself, he was confident he had expressed the opinion of those who had patriotically and conscientiously resisted the progress of the measure. They had done so because they wished to see the question of military organization satisfactorily settled; but instead of settling it, the Bill shirked the question and pandered to popular prejudice and ignorance. If the Bill had in any way given effect to the original account of what it was intended to do, it would have found its warmest supporters amongst hon. Gentlemen who, sitting on both sides of the House, had been unwillingly obliged to fight this great national question to the death. He was glad it would leave the House as a fragmentary measure, because, if it were passed, although it did not add one iota to their strength, it would otherwise be made an excuse for doing nothing more, and there would be danger of their falling into their former state of apathy, induced by money-getting and the shirking of personal sacrifice in the matter of military service — a result which there was reason to fear from the reception given to such melancholy trash as *The New Armada*, in quarters where different things might have been expected, and by authorities which in November were urging the country, not to such a measure as this, nor anything approaching it, but to nothing short of a system of conscription. Then, had the Bill become law, they would have been in danger of falling into the condition he had described, and the country could only have been aroused by another European war or some internal disaster. The Government had not done their duty in

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foisting upon the House such a miserable Bill; and in the conduct of the whole matter they had gone far to degrade that deliberate Assembly into a mere instrument to seal the record of the foregone conclusions of the Government and the unknown intentions of the Executive. Holding those views, he begged leave to propose his Resolution as a protest against the measure, and in order to give the House an opportunity of repudiating the position to which the Government desired to reduce them.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to consider the Bill, as amended, until the whole of the scheme of the Government for the first appointment, promotion, and retirement of Officers, together with an estimate of its probable or possible ultimate cost, have been laid upon the Table,"—(*Lord Elcho*.)

—instead thereof.

SIR GEORGE GREY said, he was unfortunately not in the House when the noble Lord the Member for Haddingtonshire (*Lord Elcho*) began his speech; but he had been informed that the noble Lord alluded to the position which he erroneously supposed his (Sir George Grey's) son held in the Army, thereby implying that he had a pecuniary interest in the passing of this Bill. The noble Lord was wholly mistaken. His son was several years in the Army; but he sold out of the Army more than six years ago, and the only Commission he now held was that of a major in the Northumberland Militia, and neither he nor himself (Sir George Grey) had the slightest pecuniary interest in the passing of this Bill; in fact, had he possessed any such interest in that event as had been inferred, he should have hesitated before he undertook the duties of Chairman of the Commission appointed to inquire into the subject. Neither had he, as his noble Friend implied, used any threat with reference to the officers. He stated, on a former occasion, as strongly as he could, that it would be in his opinion most unjust to officers, who had acted only in accordance with a long-established system, unchecked by any authority, to withhold from them an equitable consideration of the claims they had acquired in respect of over-regulation price. He concurred in every word of the Report of the Royal Commission, which, in fact, was drafted by

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himself. Every part of that Report, expressed his own opinion, and was adopted, with the exception of a slight modification. He had stated that it was impossible for the Government to let the Report of the Commission lie on the Tables of both Houses without taking any step to sever themselves from all complicity with the habitual violation of the law set forth in that Report. He had also expressed an opinion that one mode of effecting this would be to repeal the Act of George III., which imposed penalties on those who paid over-regulation prices; but he added that as no one had proposed such a course the only other plan they could adopt was that embodied in the Bill of putting an end to over-regulation payments for the future by abolishing purchase altogether. He did not allude, however, to officers who had already paid the over-regulation price; but he said that with regard to the future, he thought it was the bounden duty of the Government to declare in the most explicit way that they would no more be parties to this violation of the law, that they should take every means in their power to stop this practice, and that they would not recognize future claims founded on a continuance of an illegal practice. He could not concur in the opinion of the noble Lord with reference to the Bill. Irrespective of all party feeling, he hoped that consideration for the discipline of the Army, as well as for the interests of the officers, would produce wiser counsels than those which the noble Lord hoped would prevail in "another place." He believed that it would be most injurious to the Army if this question should be made a hustings' question throughout the country. Although no doubt many officers in the Army were in favour of the continuance of the purchase system, yet he believed the general feeling of the officers of the Army was that if purchase is to be abolished, the terms proposed by the Government were just and liberal. He trusted, therefore, that the Bill would become law.

LORD EUSTACE CECIL said, he wished merely to say a word about the unpopularity of the Bill. Last night they were told that there were in favour of the Ballot Bill 45 Petitions, signed by 7,500 people. What did the House suppose was the number of Petitions in favour of this Bill? One, signed by two

persons. There were, on the other hand, 217 Petitions against it, signed by 10,653 people.

COLONEL BARTTELOT said, it was perfectly right that the discipline of the Army was a consideration that should not be lost sight of, and therefore whatever might happen to the Bill he hoped the purchase question would be settled for good and all. But he believed it could only be settled by the adoption of a moderate course by the Government, who had still time to accept the proposals in reference to payment of regulation and over-regulation price made by the hon. Member for Birmingham (Mr. Muntz) and the hon. Baronet the Member for Norwich (Sir William Russell), and exchanges, as proposed by the hon. and gallant Member for Bewdley (Colonel Anson). If they refused to pay attention to those propositions the blame of disorganization would rest with them. He was sure that if the right hon. Gentleman the Secretary of State for War had had the moral courage to produce a decisive measure he would have met with the cordial support of those who had opposed that Bill.

MR. BAILLIE COCHRANE said, he had hitherto taken no part in the discussions on that Bill, believing it would be better left to military authorities to deal with the subject; but he could not forbear at that stage from giving expression to the dissatisfaction entertained by people out-of-doors with the conduct of Her Majesty's Government. Last year there was a panic in the country arising from the state of the Continent, and that panic was increased by the position of affairs in the East. In Her Majesty's gracious Speech she was made to say that no time would be lost in laying before Parliament a Bill for the better regulation of the Army and the land forces. But the Government had done nothing except what, in the opinion of military authorities, would be of great injury to their Army. He was in company with several foreign military men lately, and they were perfectly astonished at what was being done. They said that England possessed a very small Army, but it was perfect. General Trochu had stated that it was small, but admirable, and that they were entering upon an experiment that might hereafter prove most destructive to the welfare of it as a permanent in-

stitution; and now the Government were going to destroy purchase, which was the mainstay of it as a military system. In case of danger arising, how should we stand? The right hon. Gentleman the Secretary of State for War said he was improving the military service, but the most important part of the Bill had been withdrawn. He was only expressing the dissatisfaction of civilians that that Session should have been allowed to pass without any step being taken to increase the security of the country in case of danger.

CAPTAIN VIVIAN said, the noble Lord the Member for Haddingtonshire (Lord Elcho) who had introduced that question had spoken very frequently in the course of the discussions on the Bill. He had spoken at great length, and, as always, with great ability; but he must be pardoned for saying that the noble Lord had very frequently, but never more absolutely than on that occasion, spoken very little to the point. He did not blame the noble Lord, who was a very well-intentioned person. He had no doubt the noble Lord was actuated, as he told the House, by an earnest desire to do the State some service. He did not impute anything factious to the noble Lord, or those who agreed with him; on the contrary, he believed all those hon. Gentlemen, in common with the noble Lord, were honestly and conscientiously opposed to the Bill. But what was the reason the noble Lord had spoken at such length, and so little to the purpose? It was because the noble Lord was dealing with a subject with which he was not entirely familiar. The noble Lord had described himself to-day as a civilian. For some time the noble Lord had been a great champion of the Fine Arts, and those who watched his career in that House thought he might well aspire to occupy the post now filled by the right hon. Gentleman the Member for the Tower Hamlets; whereas now there were rumours abroad that the noble Lord actually aspired to the office filled by his (Captain Vivian's) right hon. Friend the Secretary of State for War. Whether that were so or not, if hon. Members went into the Library they would find that the noble Lord still toyed with his old love, though he had taken on with a new. But in these discussions the noble Lord depended very much upon others for his military information, and he was not

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able to digest all which he swallowed. He would give two illustrations. The noble Lord had talked of the son of the right hon. Member for Morpeth being in the Army, when the fact was he had left it six years ago; and then the noble Lord had given Notice that he would move for an Address for a Return of the Household Troops that had paraded on the Queen's birthday, by way of showing to the country the force we had got in London to fight a future Battle of Dorking. [Lord ELCHO said, it was suggested by the commanding officer of a regiment.] Well, then, either the commanding officer had intentionally misled the noble Lord, which he was perfectly certain was not the case, or else he must congratulate that gallant officer on having arrived at the command of a regiment before selection was substituted for purchase. The strength of the brigade was 4,151; but if the country was to judge of the fighting power of the Guards in London from the Address which the noble Lord intended to move, they would conclude that only 650 men were available. The noble Lord, in opposing the second reading, told the House that the Bill was nothing but a Purchase Bill, and he scoffed at the idea of calling it an Army Regulation Bill. But when his right hon. Friend the Secretary of State for War proposed to withdraw a portion of the Bill, then the noble Lord changed his note, and said—"Oh, you have withdrawn the most important part of your measure;" and as a climax, on that, the third reading, declared that the Bill had collapsed like a soap-bubble, and that nothing but the suds remained. The noble Lord had also said—"You can do everything you want without passing this Bill." Quite true, he admitted it; but with what justice to the officers? Let the House look to the five second lieutenant-colonels of cavalry now reduced, and see where their interests had gone. What was happening in the reduction of the companies of infantry regiments from 12 to 10? And what had happened last year when his right hon. Friend was endeavouring to carry out the scheme of the right hon. Gentleman opposite, the Member for Droitwich (Sir John Pakington), for abolishing the rank of ensign and cornet? What interests came then into play? Therefore, he maintained that his right hon. Friend could not carry out his alterations with-

Captain Vivian

out the Bill, except at great pecuniary sacrifice on the part of the officers, and the first step towards doing justice to them was to abolish purchase. The noble Lord had also told the House that Her Majesty's Government had treated the House very badly because they had not told the public anything, and then in the next breath he told the House that Her Majesty's Government were going to substitute selection for seniority. [Lord ELCHO: What kind of selection?] Government said it meant that in future no officer who was not qualified should be advanced, and that there should be a system of seniority tempered by selection. But the noble Lord wanted to have everything done in a moment. The fact was, the reform of the Army must be made gradually, and the first step towards it was the abolition of purchase. Until that was done it would be impossible to do justice to the officers. The noble Lord had said that the Government had uttered threats. But he defied the noble Lord to bring forward a single word in any speech that had been made by the right hon. Gentleman the Secretary of State for War, the right hon. and gallant Gentleman the Surveyor General, or himself, which could be construed into a threat. They had claimed support for the Bill on the ground that it would be an advantage both to the officers and to the public, and had not uttered a single word by way of threat. He agreed with his right hon. Friend the Member for Morpeth (Sir George Grey) that purchase was doomed, and also with his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) that it would be a great misfortune to the Army if anything happened to hang up this Bill for a year. That would be a great misfortune to the Army and the country, and therefore he hoped the noble Lord would not protract the discussion to the length which a celebrated trial was now occupying, but that he would allow the House to proceed to a division.

Mr. DISRAELI said, he hoped the House would agree with the last suggestion of the hon. and gallant Gentleman the Financial Secretary, though the general tone of his speech was rather provocative of continued debate. It was not desirable to pursue the debate on the present occasion. The noble Lord the Member for Haddingtonshire (Lord

Elcho) had expressed his opinions with remarkable ability and power; he had delivered a protest against the measure, and in a manner which would not be forgotten. But they were awaiting an important debate on the third reading of the Bill, when an opportunity would be afforded of entering upon many of the subjects which had just been mentioned. He therefore trusted that this part of the discussion would end, and that the Report on the Bill would conclude to-day.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That the Bill be now taken into Consideration," put, and *agreed to*.

Bill considered.

LORD ELCHO, in rising to move the following clause—

"That no soldier shall be permitted to enter the Reserve Force until he shall have completed his twenty-third year,"

said, he earnestly hoped that as everything was tentative, his right hon. Friend the Secretary of State for War would not, any more than a fisher, be satisfied with one bait and one hook, but try different modes of inducing men to come into the Reserve, and that both the system of pension and pay should be attempted. If a man entered the Army at 18, he was unfit, either physically or in the matter of discipline, to enter the Reserve at 21; and to improve the discipline, soldierly feeling, and *esprit de corps* of the Army, he proposed that at whatever age a man entered the Army, the minimum age at which he should be allowed to enter the Reserve should be 23. But he would be satisfied with an undertaking from the right hon. Gentleman that, as far as practicable, Government would not allow men to enter the Reserve under that age.

Clause (Age for entry into Reserve Force),—(*Lord Elcho*),—*brought up*, and read the first time.

MAJOR GENERAL SIR PERCY HERBERT asked, what was proposed to be done with regard to the proposed Amendment for securing compensation to non-purchase officers in certain cases?

LORD EUSTACE CECIL said, that the hon. and gallant Member for Sussex had been in communication with the draftsman

of the Bill, and two letters had passed between them. It was in evidence, according to the opinion of the draftsman of the Bill, that the words in the Bill were sufficient to cover the whole of his (Lord Eustace Cecil's) Amendments. He did not think that was the opinion of the hon. Member for Sussex, but at the same time he recommended that the two letters should be placed side by side in some safe custody, with the opinion of the draftsman of the Bill, so that in case litigation should arise in future the letters could be referred to.

SIR JOHN PAKINGTON called the attention of the Secretary of State for War to a rumour which was in general circulation, as to the course taken by him on the subject of short service enlistment. The rumour was that about March or April last an Order was issued from the War Office, inviting all men who had served the Crown for three years to enter the Army of Reserve; that shortly afterwards so large a number of men accepted the proposal that the Secretary of State took alarm, and issued another Order to stop any men from entering the Reserve; and that more recently a third Order had been issued, inviting some of the men who had left the Army to join the Reserve to come back again and serve with the colours. He hoped the right hon. Gentleman would be able to contradict this report, because it gave an idea of vacillation on the part of the Government which would excite great alarm and annoyance.

MR. CARDWELL said, he was glad that he could entirely contradict the rumour. An Order, dated March 22, had been issued for this reason—It was thought very desirable, although at the time the number of men required for the infantry had been obtained, not to stop recruiting, for the Government desired that the First Army Reserve should be materially strengthened. His right hon. Friend the Member for Droitwich (Sir John Pakington) had on one occasion called the First Army Reserve a "ridiculous little force." As his right hon. Friend was the author of that force, it was curious that he should thus disparage it. When the present Government came into office it was about 1,000 strong; and the object of their legislation last year was to strengthen that Reserve. They took power to remove into the Reserve any men who were willing

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to enter it after three years' service. When they found that the infantry was full, they still thought it not right to stop recruiting. Such a step was mischievous for several reasons—because we had no conscription; because our Army had the greatest amount of foreign service of any Army in the world; because, also, there were in this country high wages, a fluctuating labour-market, and, in consequence, a migratory population. They must, therefore, consult the feelings and wishes of those whom they desired to enlist, and they could not do a worse thing than be perpetually altering the terms they were offering. It was desirable to make those terms familiar and acceptable to recruits. Under these circumstances, the Government desired not to stop recruiting, and also to add to the First Army Reserve. They therefore issued an Order, not, as was alleged, inviting everybody who had seen three years' service with the colours to go into the Reserve, but stating that well-conducted men belonging to regiments of infantry of the Line at home, if of the prescribed age and otherwise eligible, and of not less than three years' service, would be permitted to enter the Reserve "within such limits as may be found necessary as to numbers." This Circular had been misunderstood, as though it were an invitation to everybody who chose to enter the Reserve; but the words he quoted showed that the offer was subject to limitations. The result of the Circular was that 22 sergeants, 186 corporals, and 2,462 privates desired to avail themselves of the invitation. The Government had always been told—"What is the use of offering 4*d.* a-day? Men will not take it." He was glad, therefore, to find that over 2,000 of the rank and file were willing to take it. He was also happy to say that the Government were not now withholding permission to go into the Reserve; and this "ridiculous little force" amounted to between 6,000 and 7,000 men, 9,000 being the whole number taken in the year's Estimates. With regard to the recent Order referred to by his right hon. Friend, he believed it was a Circular pointing out to the men the terms on which they might go into the Reserve, and the conditions on which, if at all, they would be permitted to return to the service. It was nothing of the kind mentioned by his right hon. Friend. With

Mr. Cardwell

regard to the question of the right hon. and gallant Member for South Shropshire (Sir Percy Herbert), it was said in the discussion on the Bill, that the non-purchase officer, after 20 years' service, would not get the full value of his commission. At the time he thought the Bill did give this compensation, and the draftsman who had been consulted did not deem it necessary to amend the clause. The noble Lord the Member for Haddingtonshire (Lord Elcho) admitted, with regard to the Reserve, that any scheme must be tentative; and the reason he (Mr. Cardwell) had declined to lay upon the Table a cut-and-dried scheme was, that it would be mischievous to represent that certain things were fixed and settled as the condition of passing a Bill when they knew that everything they did must be tentative. The Government were extremely desirous that the men in the Army and the Reserve should not be men of extreme youth, but should be of an age the most suitable for military service. But according to the system of long service, whether in the Crimean War, in the Indian Mutiny, or upon an emergency like that which lately led the House to add 20,000 to the Army, they were compelled to make any such addition with young men, and hence complaints that they died off like flies. But establish, as they were now doing, an Army Reserve, and then they called to the ranks men who had passed through the Army in their youth, and who, when they called upon them to return for actual warfare, were exactly of the age you wished—from 20 to 30 years old, men capable of rendering the services which the Prussian Army rendered during the late campaign. The noble Lord seemed to think that short service and 4*d.* a-day discouraged men from the service. This however, was not the case. A short time ago, when the infantry was full, recruiting was limited to six years with the colours and six with the Reserve; and he was informed that the recruiting for the infantry during four weeks in May produced a larger number of recruits, though they were only taken for short service, than in any year since 1859. In the six weeks from April 1 to May 6 there were, on the whole, 2,238 recruits, of whom 418 were for short service; and then, when the recruiting was limited to six years and six, there

were, from May 6 to June 17, 2,678 recruits, of whom 1,545 were infantry for short service. He did not say this fact was conclusive, but as far as experience went it encouraged him to believe that for short periods of service they would find men ready and willing to join the standards. If so, an immense advantage would be gained. The financial saving effected with regard to the pension list was very important, and the moral and social advantage derived from bringing men into the service for only a brief period, instead of for a long period of enforced celibacy, was still more important; and the advantage to the country in the matter of military defence was also very great. Altogether, he was exceedingly sanguine that the experiment would be successful. The complaint in reference to sending young men to India was no new one, and it had no peculiar connection with the system of short service; for even before there was any limitation at all in the period of service there was the same complaint. He hoped that they would be able to give effect to the wish of the House upon that subject, but he could not say that he was prepared to assent to any statutory limitation with regard to the age for going into the service; he did not desire to go further than this—that was to say, that they desired that they should get into the Army and into the Reserve men of the age most suitable for military service, but in certain cases it might be extremely convenient to be able to put men into the Reserve without a strict limit as to age. When they came to work the system of short service they would have to consider carefully the case of the regiments upon the *rota* for India, so as to fill them up with men who had the longest period to serve.

COLONEL SYKES said, that 6,000 men would have to be relieved in India every year, and he thought that there would be some difficulty in doing this under the short-time system.

COLONEL BARTTELOT said, that the right hon. Gentleman the Secretary of State for War appeared to think that some definite plan should be arrived at; yet at the same time that he should like to have the opportunity of enlisting upon such terms as he should think best, so as to enlist men for the full period to go to India. Now, that would be a very mischievous proceeding. The recruits liked

to know what their term of service would be. It would be far better to say positively that there should be six years in the Army and six years in the Reserve, because then the men would understand it.

MR. CARDWELL said, that there had not been any inconvenience experienced at present from enlisting men for different periods of service. The arrangements for sending troops to India had been entered into with the concurrence of the Indian Government, and there would be a saving of expense by sending only short service men to India, because those short service men would not be allowed to take wives and children with them.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived*.

EARL PERCY said, that the position of the Volunteer force was by no means a very desirable one at that moment, for they were alternately coaxed, laughed at, and censured, and although it was constantly said, they could not rely on their Reserve forces, nothing appeared to be done to increase their efficiency, and he believed that the great portion of the Volunteers would bear with satisfaction the imposition of a stricter degree of discipline. Greater powers should be given to officers of the Reserve force. At present they had only the powers given them under the 21st clause of the Volunteer Act—namely, the power to place a man under arrest during the continuance of parade, and the power of dismissal. He thought they should have the power of imposing fines for other offences than those at targets, provided for in the by-laws of certain regiments. It was most undesirable that the power of dismissal should be the only one possessed by a commanding officer. The punishment of dismissal was either too great or too small. He, therefore, moved the following clause:—

"Any Volunteer committing any of the offences mentioned in the Volunteer Act, 1863, Clause 21, shall, in lieu of or in addition to the penalties therein enumerated, be liable at the discretion of the commanding officer for the time being of the corps to which he belongs, or of the administrative brigade of which it forms a part, to a fine not exceeding ten pounds, subject to such rules and regulations with regard to the procedure against such offender as to the ascertaining and registering the offence as may from time to time be drawn

[*Consideration.*]

up by one of Her Majesty's Principal Secretaries of State; and the provisions of the Volunteer Act, 1863, Clauses 21 and 27, affecting the revision of the decisions of commanding officers as well as the recovery of the fines inflicted under such decision, shall for all such purposes be deemed to form part of this Act."

Clause (Additional powers to commanding officers of Volunteer corps,)—(*Earl Percy*,)—*brought up*, and read the first time.

COLONEL C. H. LINDSAY said, he looked upon the Amendment of the noble Earl the Member for North Northumberland (*Earl Percy*) as one calculated to do a great deal more harm than benefit to the Volunteer service, because it would introduce a system of coercion of a very distasteful character. He always considered the imposition of fines on Volunteers to be most objectionable, especially as from experience it had been proved to be almost impracticable—from the impossibility of recovering them. The very fact, therefore, of their evasion would be a breach of discipline, and it would be nothing more or less than a premium upon insubordination and disobedience. At the commencement of the Volunteer movement the system of imposing fines was introduced into every code of regimental and corps regulations, with the view of preventing certain irregularities, which it was thought it might check; and the best reason why it would be inexpedient to recur to that system was, that there was probably not a single battalion or corps in the service that kept the imposition of fines in its code of regulations. It was wrong on principle, because it was obviously distasteful to men who volunteered their services for a national object—such as defence against invasion. He was surprised to hear from the noble Earl such a reflective account of insubordination in the Volunteer service as compared with the Militia during the last nine years. He considered that the tone and character of a corps, as to its discipline and general contentment, was dependent, to a great extent, upon its commanding officer, who, from the fact of his undertaking the command of men who had volunteered *con amore* to fulfil certain duties, had the opportunity of endearing himself to them; and he felt strongly that if a commanding officer was unable to conduct the tone and bearing of his regiment without having recourse to the

Earl Percy

system of fines, the sooner he left it the better, and if the regiment could not be carried on with credit to the country, without such an exaction, the sooner it was dissolved the better. Then, what were these fines alluded to by the noble Earl intended to effect? They were intended to enforce more efficiency for one thing—a coercion which would signally fail. The noble Earl said that greater powers should be given to officers of the Reserve forces. He (*Colonel C. H. Lindsay*) contended that they did not want greater powers—they had quite enough; the only fear he had was, that what they had was about to be diminished. He argued that attendance at drill, and parade, and reviews could not be enforced in the Volunteer service, when not embodied, as it would be in time of emergency; and it was useless to argue that it could without endangering its position throughout the country. It must be borne in mind that the Volunteer service was composed of men of business, whose time was not their own, and it often happened that when members had to attend an early parade, or drill, they had a portion of their wages deducted, owing to their absence from their employment. Now, men who had wives and families dependent upon them, could not afford to lose money in such a manner, without any chance of a return, and when they did so in a national cause; and there was no doubt that commanding officers did their best to secure the attendance of their men, and the men, with few exceptions, could not be Volunteers at all unless they wished to perform their duties as far as they could. But, he repeated, that being men of business, it was impossible to enforce such attendance, and if commanding officers, by good feeling and persuasion, could not succeed in procuring all their men at once, and when they wished it, no Government pressure or coercion, such as forfeiture of capitation grant after being earned, or the imposition of fines, such as the noble Earl had sketched out, would have the slightest effect; but it would tend to drive men out of the service. He remarked that there was little or no insubordination amongst the battalions of the Metropolitan, which made up a large force. The instances to which the noble Earl alluded, such as in reference to the demonstrations in favour of Jules Favre,

were exceptional, and were dealt with in an exceptional manner by instant dismissal by the commanding officer, who possessed that power in order to deal with extreme cases. It had been said that dismissal was not so severe a punishment as imprisonment; but he considered any punishment of the severest character in a service such as that of the Volunteers. He wished to see the Volunteer service left alone; they had been worked up to a high pitch of efficiency as Volunteers and civilians, much higher than the country had the slightest idea of, and they neither required the Mutiny Act or Martial Law to regulate their conduct after 11 years probation. He hoped, therefore, that Her Majesty's Government would not entertain the Amendment of the noble Earl.

MR. ANDERSON said, he must oppose the clause as one which would tend to drive men out of the ranks of the Volunteer service.

MR. CARDWELL said, he was sorry he could not accept the clause, and he pointed out that by the 27th clause of the Volunteer Act commanding officers had now the power of making their own rules.

COLONEL SYKES said, it was most unreasonable and inexpedient to subject the Volunteers to the rigid rules of the Mutiny Act.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived*.

MR. ALDERMAN W. LAWRENCE moved the following clause:—

"Nothing in this Act contained shall affect the raising and application of the Trophy Tax as heretofore levied and applied in the City of London."

He explained that this was a tax of a penny in the pound upon property in the City of London to defray the expenses of its Militia. He was not aware how it came to be called the Trophy Tax. The Government had assented to the clause.

Clause (Saving as to Trophy Tax.)—*(Mr. Alderman Lawrence.)—added.*

MR. STACPOOLE, who had given Notice of the following Proviso at the end of Clause 3:—

"Provided notwithstanding, that if any officer, being on half-pay upon the said appointed day,

shall prove to the Commissioners that he has been last placed upon half-pay by reason of the reduction of the establishment or the disbandment of his corps, he shall, for purposes of compensation under this Act, be deemed to be on full-pay of the corps from which he has been so displaced on retirement,"

expressed his regret at being precluded from moving it by reason of the Rules of the House. He, however, hoped that the Government would take the case of the officers referred to into consideration.

COLONEL BARTELOT said, he should support the request, and would mention the Canadian Rifles, the West India Regiments, and the Cape Mounted Rifles as the disbanded corps the officers of which were affected.

SIR COLMAN O'LOGHLEN moved, in Clause 6, page 5, line 6, after "lieutenants of counties," to insert "and to the Lord Lieutenant of Ireland."

THE SOLICITOR GENERAL FOR IRELAND (Mr. Dowse) assented.

Amendment agreed to.

MR. DICKINSON moved, in Clause 6, page 5, line 15, after "force," to insert—

"And all commissions held on the appointed day by officers in the Militia, Yeomanry, and Volunteers shall be deemed to have been so issued."

COLONEL C. H. LINDSAY said, he concluded that the object of the Amendment of the hon. Member for Stroud (Mr. Dickinson) was to secure that all commissions, which were at present held by officers in the Reserve forces, should be converted into Queen's commissions as soon as the Bill was passed into law. In that case he wished to know whether, in the event of the officers of the Reserve forces holding commissions from Her Majesty, they would enjoy the same privileges in every respect as the officers of the Army; and whether their social position, no matter what it previously might have been, would be at once elevated to that of the officers of the Regular Army? He also wished to be informed whether these commissions, which used to be held from Her Majesty, would be actually signed by her? He gathered that they would be, for according to the wording of the clause the intention was so expressed. Notwithstanding which, he wished to know whether the parchment documents, which were supposed to be issued to the officers, would bear the signature of Victoria R?

LORD ELCHO said, an impression had gone abroad that they would be, and that that fact had caused the acceptance of the transfer of power from the Lords Lieutenant to the Secretary of State for War. He wished to know if that were so, and if Volunteer officers were to be placed exactly in the position of officers of the Regular Army? When he was in the field he was as much under the discipline of the officer commanding as any officer of the Regular Army; but when his uniform was off, and those of his men's, they ceased to be soldiers, and were absolutely civilians, and he should repudiate holding the commission of a Volunteer officer if that position were altered. By the rules of the service officers were prevented from criticizing the acts of the War Department; but he should object to being deprived of the liberty of speaking and writing his opinion of the acts of any Secretary of State for War. He objected to his losing by a stroke of the pen his civil liberty. In conclusion, he should like to know whether Volunteer officers were to be presented at Court?

MR. CARDWELL said, he had already stated that the rules which regulated presentations at Court were not within his Department. He was not sanguine if this or any other clause could deprive the noble Lord of his civilian character, or control his freedom of speech within or without that House. The clause provided that Volunteer and Militia commissions should be prepared the same as commissions in the Army.

COLONEL RUGGLES-BRISE said, he hoped that the right hon. Gentleman the Secretary of State for War would give the House some further pledge or security that in future the local element would be confirmed, and that the Lords Lieutenant should have the first recommendation for appointments in the Militia.

MR. CARDWELL said, he concurred that it was desirable to keep up the local connection of the counties with the Militia corps, especially with regard to first appointments.

MR. CHARLEY said, he would ask the right hon. Gentleman the Prime Minister, whether it would be necessary to have a question put to Lord Sydney in order to obtain a satisfactory reply to the questions that had been put relative to presentations at Court?

MR. GLADSTONE said, it would not be within his province to advise Her Majesty on the question of receptions at Court; and if the question were put to Lord Sydney he thought the noble Lord would respectfully deprecate the introduction of such matters within the arena of politics.

Amendment agreed to.

LORD ELCHO, in rising to ask the House to strike out Clause 9, which proposed to put the Volunteers under the Mutiny Act, said, every man in that country was bound by statute law to undertake the defence of the country; but they shirked the duty: ease-loving and money-making Englishmen shirked their first duty, while every Belgian, Swiss, Frenchman, and German were obliged to undertake the defence of their country. The Government shirked the question. Both sides shirked it, though they knew in their hearts that everything else was beating about the bush, and that they could not organize anything until they put on the screw. But they had not the courage. Some time ago there was an alarm in the country, the patriotism of the people was appealed to, and within 12 months 23,000 men marched before the Queen in Hyde Park, and from 1859 until now there had been nearly 200,000 Volunteers. In other words, these men had undertaken the duty which the rest of the country shirked. For 12 years the Volunteers had given up their amusements, and were doing their duty without pay. And now Her Majesty's Government wanted to bring these men under the Mutiny Act. He wanted to know why? It was said that it was necessary to make the Volunteers efficient. That was one of the humbugs and impostures of the whole of this Bill. It did nothing to make the Volunteers efficient. It did not give the Secretary of State any authority over them which he had not at present, nor the commanding officer any power to make his men efficient which he did not now possess. Wherein was the want of efficiency? Not in the lack of discipline, but in this—that they could not say to the men—"You must come out a certain number of days, and if you do not something will befall you." He said deliberately as a Volunteer, that that country was under a great debt of gratitude to the force for having for 12 years taken upon itself the duty of pub-

lic defence. The Volunteers were not as efficient as their commanding officers could wish; but to make them efficient powers must be given which the Government shrank from giving. Service in the Volunteers should be an exemption from something worse. They must either lead men or drive them, and that proposition did neither; it simply cast a slur upon the Volunteers as an undisciplined force. What was the history of this matter? A feeling grew up in the Regular Army that possibly the views of hon. Gentleman below the gangway might some time prevail, and that, with pressure brought to bear on them, the Government might reduce the Army. Accordingly, men were sent to reviews to write down the discipline of the Volunteers, and a dead set was made on the force on that point. He looked upon the Volunteers as an adjunct of the Regular Army, and maintained they were not an undisciplined force. When they had got the men on parade there was discipline; there was silence in the ranks, and implicit obedience. The Secretary of State alleged that Volunteers could not be put into camp with Regular soldiers, as they would be under two different systems of law. But the two forces were totally different in their positions; the one was a paid and the other an unpaid force, and, therefore, what applied to the one ought not to apply to the other. He admitted that if the powers under the existing Act were not sufficient when the different forces were put into camp, or if the Volunteers showed any want of discipline, there would be something to be said in favour of this clause. But he maintained that the powers under the existing Act were ample. There was the power of dismissal. To a Militiaman dismissal might be a relief; but to the Volunteers it was a stigma. And then, if a Volunteer was insubordinate in camp he might be put under arrest, kept under arrest until the camp broke up, and then dismissed. The House ought not to apply to the Volunteers an Act which was not intended for them, which was not necessary, and which was a bad return on the part of the Government for services that had been willingly rendered; and he hoped the House would support him in doing justice to that force. He would, in conclusion, move the omission of Clause 9.

Mr. ANDERSON expressed a hope that the Government would accede to the proposition of the noble Lord the Member for Haddingtonshire (Lord Elcho). What was necessary with regard to the Volunteer force was an inducement to them to enter the service, and not the infliction of disabilities such as those which would arise from the operation of the clause in question.

COLONEL C. H. LINDSAY said, he should certainly support the Motion of the noble Lord the Member for Haddingtonshire (Lord Elcho) to omit that clause which applied to the Mutiny Act to Volunteers when in training with the Regular forces. He had on a former occasion expressed his opinion upon that unnecessary, and he must add insulting, application; and as one who had had some experience in the Volunteer service, and who had been a hard and devoted workman in the cause of national defence, he felt that to place such a badge of military bondage, even for a day, upon free and independent citizens, who came forward as they did gratuitously, to assist the comparative impotency of the country as a military nation, and who made themselves as efficient as it was possible for men of business to be, he felt that after 11 years of a nation's devotion of the cause—and after having been so justly though tardily eulogized by the leading statesmen of the day as well as by every nation in Europe—to be for the sake of a temporary *quasi*-convenience brought down to the level of private soldiers in time of peace, was a humiliation as uncalled for as it was unnecessary. Besides which, it was imposing a law upon citizens which it was not possible to enforce in time of peace, in the event of the provisions of the Mutiny Act being challenged by a Volunteer. He need not describe the numerous penalties to which soldiers were liable under the Mutiny Act—penalties which were chiefly composed of stoppages, which, considering that Volunteers had no pay could not be realized—penalties which, if pressed, could only be so by military law, and as he maintained that military law could not be applied to Volunteers when off duty, it would be a farce to attempt to carry it out. Moreover, the application of the Mutiny Act, which could only be a matter of form, would take away the power of commanding officers over insubordination, and other irregularities should

they occur—a power which was greater than that possessed by the Mutiny Act. He therefore entered his strongest protest against such a policy, which must be very prejudicial to the service.

SIR COLMAN O'LOGHLEN said, he trusted that the right hon. Gentleman the Secretary of State for War would consent to the striking out of the clause. He had voted in every division in favour of the Bill, believing the abolition of purchase to be absolutely necessary. But having had some experience of the Mutiny Act, he must say that he considered it utterly inappropriate to the Volunteer force in time of peace. The Volunteer Act of 1863 contained provisions quite sufficient for the preservation of discipline among the Volunteers in time of peace, and it provided that in times of emergency or danger the Volunteers should be placed under the Mutiny Act, and then they were entitled to be paid for their services. He thought the House ought to pause before sanctioning the retention of the clause now under consideration. The Mutiny Act was, in fact, a violation of the Constitution of the country. Since 1689, when it was first passed, it had been year by year passed as an annual Act, and he trusted the time would never come when it would be made a perpetual Act. The Militia were not placed under it till the year 1750, and the Yeomanry not until 1804. But its application to those bodies was no argument for its application to Volunteers. They were paid soldiers and could not resign, whilst the Volunteers were unpaid and could send in their resignation at any moment. The Volunteer force, too, was composed of a different class of men from ordinary soldiers, and the application of the Act to that force would deter many persons from joining it, because it would deprive them of the ordinary rights of Englishmen, and subject them in some cases to penal servitude for life, and in others even to sentence of death. Even in its application to the Militia there was a proviso that, during training or exercise, no punishment should extend to the loss of life or limb. In the present clause, however, there was no such exception. He considered that the present provisions for the discipline of the Volunteers was sufficient for the ordinary purposes of training, and that if the clause should

be passed it would be found impossible to apply it.

MR. MELLY said, that having been connected with the Volunteers for several years, he had never found any difficulty in maintaining discipline, the power of dismissal being quite sufficient for that purpose. He trusted the clause would be withdrawn, because he believed that its passing would have a bad effect, and diminish the number of Volunteers who were in the habit of attending reviews.

COLONEL BARTTELOT said, the Volunteer force had conducted itself not only to its own credit, but to the satisfaction of the country; but there was something more to be considered. The Volunteers aspired to be of use to the country in times of necessity. They wished to be associated with the Militia and the Regular Army. They wished to take on themselves the obligations of armed men. If so, they ought to be properly disciplined and treated in the same manner as the Regular Army. With respect to the pay, he thought the right thing for the Government to consider was, whether the suggestion of his noble Friend (Lord Elcho) had not something more in it than they had given it credit for, and whether some kind of conscription or compulsion was not necessary. The Volunteers behaved well, and would not fear going out under the clause now before the House. No good soldier or Militiaman was afraid of the Mutiny Act, and the Volunteers had no reason to be afraid of it. He believed that it would be a good thing for the force, and feeling that the country expected that they should attain more discipline, it was his intention to support the clause.

COLONEL LOYD-LINDSAY said, he did not think the application of the Mutiny Act to the Volunteers could be considered as at all insulting to them. He believed that they were ready for it, and were willing to place themselves under its discipline. As more money had been given to the Volunteers than they received formerly, he did not see why the reins of discipline should not be drawn more tightly, and why a certain number of days' drill in the year should not be made compulsory. Supposing there should be a camp consisting of 10,000 Volunteers, no officer would like to take the command of such a force unless they

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were subject to the discipline of soldiers. He did not believe that the Volunteers would consider it any disgrace to be placed under the Mutiny Act, and wished to disclaim any such idea. With regard to the discipline of the force, he admitted that it was not in a satisfactory state. They must either go forward or backward. They could not remain where they were at present. When larger payments were made to the Volunteers the Government ought to expect greater efficiency, and it was absolutely necessary to consider what should be the future of the Volunteer force.

MR. BARROW said, that having been for 32 years connected with the Volunteer force, he had never found any difficulty in keeping the men in an efficient state of discipline. He believed the Volunteer force to be essential to the welfare of the country. They had entered into a certain engagement with the Government, and he considered it a breach of contract to place them under the Mutiny Act.

MR. CARDWELL said, the object of the Government was that the Volunteers should be brigaded with the Regular troops, thus enabling them to take a part in those preparatory trainings which would fit them really to form a portion of our defensive forces. In the approaching campaign in Berkshire the proposal was to include Militia, Regular troops, and Volunteers, placing the whole under a General Officer, and training them to act together just as in an actual campaign. How was the discipline, how were the common proprieties of a camp to be maintained, except by vesting the whole power in a General Officer? It was true the commanding officers of Volunteers had certain powers over their men. *Sed quis custodiet ipsos custodes?* The General Officer was not to be subject to the question whether the commanding officers of Volunteers discharged their duties. It was necessary to arm him with the supreme command by law over the whole force. In Committee the same objection had been raised, and such high authorities as the hon. and gallant Members for Sussex (Colonel Barttelot), Berkshire (Colonel Loyd-Lindsay), South Derbyshire (Major Wilmot), and South Lancashire (Captain Egerton) supported the clause, the latter stating as he understood that there had been a meeting of Volunteer officers in his district, and there

had been no dissent as to their desire to submit to the Mutiny Act when associated with the Regular forces. The clause in the Bill had been represented as something new; but it was merely a proposal to apply to the Volunteers when exercised with the Regulars and Militia—that was, when put directly under military command for the purpose of training for war—that which Parliament had already applied to them when war was declared. The Government were endeavouring to throw together the forces of this country for the purpose of constituting one defensive force on an efficient basis. Did the Volunteers desire to be thus associated? If so, they must be under the same command and submit to the same discipline as other soldiers. How could we expect the same discipline from the Militia and Regulars if the Volunteers, when brigaded with them, were not subject to the same conditions? This proposal was made with a desire to compliment the Volunteers, as forming one of the real defences of the country, and he hoped it would be accepted on their part in the same spirit.

MR. GOLDSMID said, he had been requested by two distinguished Volunteer officers to say that they entirely dissented from the view taken by the noble Lord the Member for Haddingtonshire (Lord Elcho) on this question.

Amendment proposed, to leave out Clause 9.—(*Lord Elcho.*)

Question put, "That Clause 9 stand part of the Bill."

The House divided:—Ayes 212; Noes 30: Majority 182.

Bill to be read the third time upon Monday next.

It being now Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ABYSSINIAN WAR—PRIZE—THE
ABANA'S CROWN AND CHALICE.

MOTION FOR AN ADDRESS.

COLONEL NORTH, in rising to move—

"That this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to Her Majesty, praying that She will be graciously pleased to direct that the Abyssinian Abanas Crown and Chalice captured at Magdala by the force under General Lord Napier of Magdala, shall be purchased for the Nation, and to assure Her Majesty that this House will make good the expense of the same,"

said, he brought forward the subject from no party considerations, still less from any hostility to the Government, but merely in the hope that justice might be done to a body of men who certainly deserved well of the country. No Englishman could look back to the Abyssinian War without feelings of interest and admiration. The war was undertaken in a country little known—hardly known at all—full of difficulty and danger; and almost the whole of Europe anticipated that the result would be disaster and disgrace to the Army; but, thanks to the courage, discipline, and unconquerable pluck of our soldiers, it was brought to a splendid termination, which added largely to the glory of this country. When the Expedition was despatched the British Museum sent a Mr. Holmes, for the purpose of collecting any article of worth to add to the collection in the British Museum. After the assault and taking of Magdala, Mr. Holmes applied to Lord Napier to retain the Abana's crown and chalice for the British Museum, and Colonel Milward, R.A., with Colonel Fraser, V.C., deposited the articles at the British Museum. On the 6th of July, 1868, the correspondence commenced to which he wished to call the attention of the House. The crown and chalice were to be sold as prize, the officers giving up their share for the benefit of the soldiers engaged in the expedition. They were offered to the Trustees of the British Museum for £2,000; but the Trustees having no funds at their disposal, being obliged to surrender the balances in their hands to the Exchequer, applied to the Treasury for funds to complete the purchase as soon as possible. About a year elapsed before any definite answer was received. A year and a-half after the articles had been placed in the British Museum application was

made for payment in a letter dated December 13, 1869; the date of the first letter which the Treasury was pleased to send, was January 22, 1870; and in it their Lordships stated that they declined to authorize the purchase. Colonel Milward then wrote that, under the circumstances, the Prize Agents must hold the Trustees of the Museum responsible for the value of the articles. He would remind hon. Members that this was entirely a private soldiers' question, and they all knew how touchy soldiers were on the subject of money; moreover, it would appear that the Army believed they would receive that money, and that with that single exception each soldier had received his prize money.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

COLONEL NORTH resumed, and said that in the course of further correspondence it was represented that, had the refusal of the Treasury been communicated earlier, the Prize Agents might have been bound by it; but the detention of the articles for so long a period must be interpreted into a virtual agreement to purchase them. Then the Treasury asked Colonel Milward to refer them to the letter, from which it was inferred that the Treasury had sanctioned the purchase; and, in reply, the Treasury was referred to the letter from the Trustees making application for a special grant. The result was that, after the lapse of two years, the Treasury, in a letter, stated they could not admit there existed, or had existed, any undertaking or promise on the part of the Government for purchasing the crown and chalice, and they saw no reason to alter that decision. The Government did not take the slightest notice, for 19 months, of a letter that was addressed to them, and that was what he had to find fault with, because the opportunity of selling the articles were thereby lost. A letter was subsequently received by Colonel Milward, asking where he wished the crown and chalice to be delivered.

Notice taken, that 40 Members were not present; House counted and 40 Members being found present,

COLONEL NORTH resumed. An application was next made to the right hon. Gentleman the Secretary of State

for War to urge the justice of the claims upon the Treasury, who promptly replied that he had no power to compel either the Trustees of the British Museum or the Treasury to authorize the payment in question, and did not feel himself entitled to interfere with their decisions respectively; but the Army would hear with deep regret that the man to whom they had a right to look to assist them in obtaining justice had entirely and absolutely refused to do so. Lord Napier of Magdala, in a Minute which he drew up on the 27th of August, 1868, attributed political importance to the possession of that Crown. Lord Napier said the best way of treating the crown and chalice would be for the State to purchase them and deposit them in the British Museum until an opportunity offered for restoring them; and that opportunity would arrive when a Government was established in Abyssinia with some prospect of stability. Their selection of the party to whom they should give the crown and chalice would be an indication that they regarded them as the rightful rulers of the Empire. He (Colonel North) thought Her Majesty's Treasury might have found time from the 7th of July, 1869, until the 15th of June, 1870, to reply to the various letters that had been written to them urging the purchase for the nation of the crown and chalice. In speaking of the Abyssinian Expedition, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) highly extolled both the officers and the men engaged in it. The present Prime Minister, on the same occasion, was equally liberal in his praise of those troops. In "another place" similar compliments were paid to them. Not only was the expedition to Abyssinia a most exceptional and wonderful feat of arms, but all Europe was astonished that they should have retired from that country after having accomplished the objects of the war in a manner that showed that they were actuated by motives entirely devoid of ambition. In conclusion, he begged to move the Resolution of which he had given Notice.

SIR JOHN HAY, in seconding the Motion, urged upon the Government the propriety of at once acceding to its terms, and of paying the sum realized by the sale of the articles in question to the Army. The sum to be realized by

the sale would only amount to about £2,000, which was a very small amount to divide among such a large number of soldiers, and the officers had at once declined to receive any portion of it, while the soldiers proposed to devote it to the orphans of the whole of the Army. That House had been occupied day after day in discussing how many millions ought to be given to the officers of the Army, and it was strange if they should refuse to pay this small sum to the private soldiers to whom it was due.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to Her Majesty, praying that She will be graciously pleased to direct that the Abyssinian Abanas Crown and Chalice captured at Magdala by the force under General Lord Napier of Magdala, shall be purchased for the Nation, and to assure Her Majesty that this House will make good the expense of the same,"—(Colonel North.)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, that the Motion of the hon. and gallant Member for Oxfordshire (Colonel North) was of a rather unusual character, it being to require Her Majesty's Government to purchase for the nation the crown and chalice captured in Abyssinia. Now, a purchase was usually a free transaction, and not carried out at the dictation of a higher power. Another peculiarity of the Motion was that it ordered the Government to purchase these articles at a price higher than they would fetch in the open market. What were the grounds upon which the Motion was supported? Putting aside any general praise of the British Army, he came at once to the question why the Government was to be called upon to purchase articles which, in their opinion, ought not to be purchased, and to give for them a price which they would not fetch in the open market. The Government were asked to purchase these articles out of the money which belonged to the British Museum, because they were connected with the Abyssinian War. Now, he could imagine no greater misconception of the duties of the Trustees of the British Museum. They were intrusted with large sums of public money

for the purchase of various articles, and he must say that the purchases had been made with great judgment and discretion. The principles which should guide the Trustees was the obtaining of articles calculated to promote art, and which were admirable in point of workmanship. But the fact was, that the articles in question, independently of their associations, were not fit objects to be purchased for the British Museum; he was informed by competent authorities that they possessed no artistic merit whatever. They consisted of large masses of gold which had a certain intrinsic value in themselves, and whatever sum they would sell for in the open market might be realized and distributed among those who were entitled to it. Lord Napier proposed that the articles, having been purchased with the money granted to the British Museum, they should be deposited in that building until they were restored to the individual who proved to be the strongest in that country; but with all deference to that distinguished officer, he (the Chancellor of the Exchequer) did not think the British Museum was intended for a temporary storehouse for the reception of barbaric spoils of war, nor did he think it was right that public money, intended for a totally different purpose, should be applied in purchasing articles to be given away whenever a convenient opportunity should arise. But there was another ground which the hon. and gallant Gentleman had put forward in support of his Motion that was entitled to much more attention—he meant the delay in the affair that had occurred. It was quite true that these articles had been placed in the British Museum in July, 1868, and that it was not until January, 1870—that was to say, not until one year and a half afterwards—that a definitive refusal to purchase them was given by the Government. The circumstance was, however, easily to be explained. From the time when the articles were first deposited in the Museum until the following December, when the late Government left office, Colonel Milward was unceasing in his applications to the Government to purchase them; but to those applications no reply was given. When the late Government left office, curiously enough all the papers connected with this subject also disappeared, and it was not until July, 1869, that similar applications

The Chancellor of the Exchequer

were made for the first time to the present Government; but, owing to some neglect, those applications were not brought to his knowledge until January, 1870, when he at once declined to purchase the articles. Under these circumstances, he was not to blame for the delay that had occurred in the matter. He could not think that it was the wish of the House that public money should be spent in the purchase of those articles, which were not exactly such spoil as it became an Army who had scarcely met with any resistance to bring away from the country they had attacked. However, here they were, and the best thing that could be done was to sell them, and to distribute their proceeds among the captors who were entitled to the prize. All he asked was, that the Government should not be forced to expend the money of the British Museum in purchasing such property, for, as he said before, they were not worthy the attention of the Trustees.

SIR STAFFORD NORTHCOTE said, the observation that had fallen from the right hon. Gentleman the Chancellor of the Exchequer, respecting the fact that their troops encountered no great amount of resistance in Abyssinia was scarcely worthy of him, and it was to a great extent owing to their extremely good conduct and the care they took to avoid giving any unnecessary provocation to the people among whom they were. Army prize was in a great degree given as a reward for the forbearance shown by men who, in the heat of action or in the excitement of the moment, might be tempted to appropriate to themselves articles of value belonging to the enemy; and in that case, though their soldiers did not meet with much resistance, they had to endure a good deal of severe hardship and trial. Although he had not seen them personally, the articles in question had been described in a way that led one to suppose they were of considerable historical value and antiquarian interest, like many of the articles now possessed by the British Museum. Moreover, he thought the British Museum was not, like the Museum at South Kensington, an institution merely for the promotion of art and of taste, but a collection of works interesting to the nation for various reasons; and he thought that was evidenced by the fact that an officer despatched from that very

Museum accompanied the expedition for the express purpose of observing whether any of the articles which the Army came across were such as it would be desirable to secure for national purposes; and the claim that these particular articles should be reserved was in the first instance put forward, not by the Army, but by Mr. Holmes, who on first seeing them thought they should be sent to the British Museum. From the correspondence on the subject it appeared that the Trustees of the British Museum, who should be the best judges of such a matter, had acknowledged £2,000 to be the fair value of those articles, and that they would have paid that sum for them if they had had the money at their disposal. Again, it was admitted that the delay which had arisen in connection with that question had borne hardly on their soldiers, who did not now make a peremptory demand, but only such a statement, couched in a respectful spirit, of the hardship which they felt they laboured under in that case, as might receive public attention and secure reasonable and just consideration for the claim they put forward in respect to articles which were impounded by an officer of the British Museum at a time when they might have fetched a considerable price, and which, after much delay, the Treasury declined to purchase.

MAJOR ARBUTHNOT said, he was present when those articles were captured, and thought it expedient that they should be bought for the nation, because in addition to their intrinsic worth they possessed an historical value and interest which would increase with the lapse of time. He admitted that the sum asked for them was a fancy price, but then everything connected with the Abyssinian Expedition fetched a fancy price. [*Laughter.*] Hon. Gentlemen might laugh, but it was only because they had grudged no expense for its execution, that the Abyssinian Expedition had been so successfully carried through. On several critical occasions the willingness and ability to pay turned the scale in our favour. If the money claimed for these articles was now withheld a breach of faith would be committed towards their soldiers, because they were sequestered, and not put up to auction like the rest of the prize property sold for the benefit of the non-commissioned officers and men, merely because it was

believed that the agent of the British Museum was virtually the agent of the Government, and that what he undertook to do would be afterwards performed by the Trustees of the British Museum or by the Government. The effect on the discipline of the Army of not fulfilling that engagement would be very serious, because it would encourage our soldiers in any future war to act on a rule which in civil life was perhaps a wholesome one—namely, to get all that they could and to keep to all that they got. It had been said during the debate, by the Chancellor of the Exchequer, that the dissatisfaction arising in connection with these proceedings had come about in consequence of the papers having been mislaid—a cause precisely similar to the cause of the war itself. And then the Chancellor of the Exchequer talked superciliously of the proceedings of the Army. It was true it was not a very bloody campaign; but there was a good deal of hard work, and on the occasion when the Vote of Thanks was proposed in the House the present Prime Minister spoke in glowing terms, not only of the conduct of the Army, but of the Government which had planned the expedition. Perhaps as the Chancellor of the Exchequer did not then contemplate occupying his present position he did not participate in the sentiments expressed by the right hon. Gentleman.

Mr. CANDLISH said, he sympathized with the Motion of the hon. and gallant Member for Oxfordshire (Colonel North). That there had been great delay somewhere was evident, from the fact that it appeared the first application was, after 12 months, followed by a second, which remained unanswered for six months more, and then after another three months a final answer was given. The officers of superior rank who went in the Expedition had been handsomely considered and rewarded for their great exploits, and no one grudged them the honour conferred upon them; but while the rank and file had had their toils and hardships, they had been the heirs of very small proceeds. Mr. Holmes doubtless went to Abyssinia with the consent of the Government, and contributed to make up the £9,000,000 which had been thrown away. If the hon. and gallant Member divided he should certainly go with him into the lobby, because it seemed to him that those men who had

not shown an ungenerous spirit should be dealt with in no niggardly spirit.

COLONEL BARTTELOT said, he would appeal to the Government to accede to the Motion of the hon. and gallant Member for Oxfordshire (Colonel North). It appeared that the prize was deposited in the British Museum at the recommendation of Mr. Holmes, and having been detained there for 18 months he thought they ought to be paid for. Soldiers did not reason very closely, and they would expect that a great nation which sent its soldiers into every part of the world to risk their lives would not haggle over a matter like this.

MR. EASTWICK said, he trusted it was not too late for the Government to make some concession with regard to that question before the House went to a division. He would not inquire how far the British Museum was or was not a proper place for depositing these relics; what he would urge on Ministers was, that it was not worth while for so paltry a sum, as was here in dispute, to leave a cause of discontent to irritate the Army. His idea was that those articles should be purchased, and given back on a proper opportunity to the Abyssinian Government. A time would very likely soon come when they would be desirous of making some present to that Government, and there was nothing of our own manufacture which would be so acceptable to the Abyssinians as those things. Although the Abana from whom they were taken was dead, there was, or would be, another Abana in his place, and to him let those articles be given. In that way they would obtain a double advantage—they would conciliate the people of Abyssinia, and they would remove out of the way a matter which would for a long time to come rankle in the minds of the soldiers, and make them dissatisfied and discontented.

MR. SPENCER WALPOLE said, he wished to state how the case actually stood. Mr. Holmes, as an officer of the British Museum, accompanied the Abyssinian Expedition, and among the things secured for the Army Prize Fund were those articles which Mr. Holmes thought it would be for the advantage of the public that the British Museum should possess. Mr. Holmes, had however, no authority to bind the trustees except provisionally, for the trustees of the British Museum were powerless until they ob-

tained the sanction of Parliament; and the only way they could purchase such articles would be by application to the Government and obtaining their sanction. These articles were, therefore, deposited at the British Museum by Colonel Milward, who represented the Army Prize Fund, until the price could be ascertained. [Colonel NORTH: No!] That was the fact. The trustees took the matter into consideration, and they thought that there were circumstances connected with the Expedition giving an historical value to the articles which might make it advisable to purchase them. A representation to that effect was made to the Government, but no notice was taken of it. On Colonel Milward applying again, that representation was made to the Government, but no reply was sent. Another Government came into office, and a fresh application was made, and his right hon. Friend the Chancellor of the Exchequer, in answering it, did not imply that the Government had no intention of purchasing the articles, but rather that they would not pay the price. If the matter had been dealt with in 1868, there would not have been much difficulty about purchasing these things. He quite agreed that the value of the articles was not what it had been thought then. But the historical interest was not diminished, and therefore the matter stood on the same footing as when they were deposited with the British Museum. Unfortunately there had been this delay, and in consequence there had been created the impression on the mind of those interested in the Army Prize Fund that the Government were considering the matter, and would certainly purchase these articles for some sum or other, because the answer of the Chancellor of the Exchequer was that he would not pay the amount asked. If that view was adopted, it would not be worth while to disappoint the Army for the sake of a few hundreds more or less; and it would be a gracious act if they allowed these articles to be purchased, after doing which they might take their time in considering how and where they should dispose of them.

MR. GLADSTONE said, he rose in obedience to the appeal which had been made to him by the hon. and gallant Member for Oxfordshire (Colonel North), although he answered him with the

Mr. Candlish

greatest regret, because of the unsatisfactory state of the question from first to last. He (Mr. Gladstone) deeply regretted that those articles were ever brought from Abyssinia, and could not conceive why they were so brought. They were never at war with the people or the churches of Abyssinia. They were at war with Theodore, who personally had inflicted on them an outrage and a wrong; and he deeply lamented, for the sake of the country, and for the sake of all concerned, that those articles, to us insignificant, though probably to the Abyssinians sacred and imposing symbols, or at least hallowed by association, were thought fit to be brought away by a British Army. He admitted that the Trustees of the British Museum had done their duty by dealing promptly with the application made to them; but he entirely dissented from the conclusion at which they arrived. In the first place, the Trustees in their letter had apparently, through the use of an unguarded expression, gone far to sustain the declaration that these articles were impounded. The expression was that the articles were "secured" by Mr. Holmes. Inasmuch as Mr. Holmes had no authority to "secure" them, he, no doubt, merely suggested that the articles should be sent to the Museum, in order that the Trustees should have an opportunity of considering whether they should be acquired for the nation or not. Still, the term was most unfortunate, and so also was the conclusion of the Trustees. Mr. Holmes was truly described as an archæologist sent to Abyssinia. He perfectly remembered the discussion at the meeting of the Trustees, when it was determined to send out Mr. Holmes, whose mission was with respect to really ancient remains, and had nothing whatever to do with uncertified unexamined articles, as to which there was not a word in the letter of the Trustees tending to fix their value, their age, their country, or their manufacture. The Trustees said they would constitute a permanent record of the most remarkable event of the present time—certainly a highly-coloured description when they considered what events had lately marked the 19th century. But was it the business of the Museum to accumulate records of the most remarkable events of the present time? In his (Mr. Gladstone's) opinion, it was the business of

the Museum to do everything else almost except that. It was the business of the British Museum to acquire objects which would serve as sources of instruction, and tend to elevate the taste of the people. It was also the business of the Museum to accumulate objects of historic interest and instruction. Under which description did these articles fall? Who made them? When and where were they made? Not a word of information was supplied on these and other points, but the Trustees of the Museum said they would serve as a permanent record of the most remarkable events of the present time; and, if we could acquire a piece of the ruins of the Column in the Place Vendôme, that would be another such record. As to the delay which was complained of, his right hon. Friend (Sir Stafford Northcote) had not explained why the Government which received this explanation kept it six months without replying to it. His right hon. Friend the Chancellor of the Exchequer was not to blame, because for some months after the new Government came into office he had no Papers whatever, and all records of the transaction had disappeared. When in January, 1870, his right hon. Friend became acquainted with the facts, only a few days elapsed before he sent a perfectly explicit reply, to the effect that it was impossible the nation should pay a fancy price for articles of a very moderate intrinsic value. It was true he did not close the door altogether to any dealings upon another footing; but no modification or mitigation of the terms were offered, and he consequently declined to enter into the matter. There was one element in this affair which was more agreeable—namely, Lord Napier's letter. With that just and kindly spirit which belonged to him, Lord Napier said these articles, whatever the claim of the Army, ought not to be placed among the national treasures, and said they ought to be held in deposit till they could be returned to Abyssinia. It was rather a painful confession, because, if they ought to be returned, it seemed to follow that they ought not to have been brought from Abyssinia; but he must say that he agreed with Lord Napier. He saw in the Correspondence that mention was made of a probable reference to Lord Napier, and that might account for much of the delay, while the

disappearance of the Papers might have been accidental. He could not consent, after consulting with his Colleagues, to the Address moved by the hon. and gallant Gentleman, because it contemplated the execution of the arrangement originally contemplated—that these articles should be purchased for the nation; and whatever became the property of the nation, to be added to the national treasures, could not, according to the law, be alienated to any other purpose. If these articles were acquired it should be upon the basis described by Lord Napier, with the view of their being held only until they could be restored. He hoped the hon. and gallant Gentleman would be satisfied with the undertaking that they would look into the matter, with the object of doing that which was fair and equitable. He might have seemed to censure more severely than was justifiable some of those who had taken part in this matter; but such was not his intention. By a complication of accidents expectations had been raised which they could not fairly overlook.

COLONEL NORTH said, he was perfectly satisfied with the answer of the right hon. Gentleman; but wished to observe that the troops who brought away these articles had no means of leaving them in the charge of anybody in Abyssinia.

MR. SCLATER-BOOTH explained that having been Secretary to the Board of Treasury, the original application on this matter was made to him in July, 1868. The then First Lord expressed a desire to communicate with Lord Napier on the subject, and viewing the transaction as a matter of expenditure it was worth consideration. As large donations in the way of batta had been made to the soldiers of the Expedition, there did not seem to be any ground for demanding a payment in excess of the intrinsic value of the articles. He was glad of a postponement until the conference had taken place. The second application was made in the October following, and although the letter was not addressed to him, he admitted that it would have been better to have given a definite answer. But he was then the only political officer in attendance at the Treasury, for a General Election was impending; and at the time the Revenue was in an unsatisfac-

Mr. Gladstone

tory state. In view of possible contingencies, it was also undesirable that any expenditure should be incurred which could hereafter be called in question; and under such peculiar circumstances it did not seem unreasonable that the matter should stand over for a few weeks longer. He had nothing to say as to the subsequent delay, which he believed had been explained to have been of a more or less accidental character.

COLONEL NORTH asked if he was to understand that the £2,000 which were to have been given for the relics would be paid to the soldiers, but in another way?

MR. HENLEY said, he was glad to hear that the Prime Minister wished to send these things back to Abyssinia, for it looked very much as if the collector of curiosities had put the soldiers up to doing something very near robbing a church. From the description given, it seemed that one of these articles had been consecrated to the Altar, and he considered that neither of them should have been brought from Abyssinia.

MR. GLADSTONE, in reply to the hon. and gallant Gentleman (Colonel North), said, he had not pledged himself, as the hon. and gallant Colonel supposed; but he undertook, on the part of the Government, to look into the matter, and endeavour to settle it in the spirit of what he had said.

Amendment, by leave, *withdrawn*.

THE AFRICAN SLAVE TRADE.

MOTION FOR AN ADDRESS.

MR. GILPIN, in rising to call attention to the Slave Trade Papers recently laid upon the Table of the House; and to move—

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue instructions for the negotiation of such a Treaty with the Sultan of Zanzibar; as will relieve Her Majesty's Government from existing arrangements, by which they are made parties to the Slave Trade; and that She will use all lawful means to procure the entire suppression of the Slave Traffic and all export of Slaves from the East Coast of Africa.”

said, that that was a subject involving the welfare of millions of human beings, who were more or less under the influence or protection of the British Government. But he should not need to enter into the question so fully as he had intended,

because he had received an intimation from the Foreign Office that the Government would be ready to grant a Committee to inquire into the matter. In justification of the adoption of such a course, he might state that this diabolical traffic had involved the destruction of 500,000 human beings within five years. Some evidence of that would be found in a Report presented to the late Lord Clarendon, who, like the late Lord Palmerston, had been ready to give cordial support to measures for abolishing the slave trade. From 1862 to 1867 the export of slaves from the ports of Zanzibar was 97,000, and as for every slave captured and brought to the coast it was estimated that at least five additional lives were sacrificed, making the enormous total of 582,000 human lives sacrificed. He believed that England and the Government of England were to no small extent responsible for this iniquity. He would not trouble the House at length on the subject, as he understood that Her Majesty's Government were going to substantially assent to his Motion. He might explain that the Government had a treaty with the Sultan of Zanzibar, whereby he was allowed during a portion of the year to export slaves from the mainland to the Island of Zanzibar. The Sultan was obliged to pay a certain sum to the Imaum of Muscat, and in virtue of that obligation the English permitted him and many of his subjects to carry on this iniquitous slave trade. He hoped [that the Government would continue to keep Dr. Kirk in Africa, because his presence there was a standing discouragement to the slave trade. Another subject for serious consideration was that this trade could not be continued without the complicity of the Portuguese Government, of which they had had reliable testimony from the mouth of Dr. Livingstone, and there should be some communication made to that Government upon the subject, with a view to put an end to the traffic. For himself, he thought they had already sufficient information to take action upon, by revising the treaty with Zanzibar, so as to clear our hands of this accursed traffic; but if the Government should think that more information was required, then a Committee would obtain it, and he would gladly accept such Committee.

MR. KINNAIRD, in seconding the Motion, said, that the first point to be observed connected with this reviving slave trade was, that it was carried on under a treaty for which they were responsible as a nation. How, he asked, could they deliver lectures to other nations on the iniquities of slave traffic, when they themselves maintained a treaty sanctioning it? For very shame sake they ought to wash their hands of the matter. The second point he would notice was, that it was impossible, even if it were desirable, to keep the trade within the limits of the treaty. It was extending and must extend, as appeared from the investigations of the Committee which sat upon the question. Were they, therefore, to witness the failure of their past efforts to extinguish slavery, which had been successful on the West Coast, by allowing it to proceed on the East Coast of Africa? Let the House consider the awful amount of human suffering involved in an annual export of 20,000 slaves, representing, perhaps, 200,000 human beings, dragged from their homes, nine out of ten dying or murdered by the way, and leaving that residue of 20,000 which he had mentioned for sale. They, by treaty, had their hands tied within the limits of the Zanzibar waters, while they maintained a police outside. He believed it to be practicable to put an end to the treaty, and with the treaty eventually to terminate the traffic, and that a heavy responsibility rested upon the Government and upon the country to do this. Meanwhile, they had the duty resting upon them of watching over the interests of the slaves they had freed, many of whom were simple children, incapable of taking care of themselves. The total stoppage of the traffic should be their first object, and in the interim they were morally bound to protect and, if children, to educate those whom they had volunteered to set free. He would earnestly appeal in the name of humanity to that House to sustain the Government in ridding them nationally of complicity in these crimes committed, and thus to prepare the way for legitimate commerce. He trusted that they might be permitted ere long to welcome home that distinguished African traveller, whose personal influence would then be exerted to carry out that object for which he

had already risked his own life, thus forwarding the internal regeneration of Africa after centuries of cruel wrong inflicted by avaricious men, to whom life was as a worthless bauble if it was the life of a black man. He would conclude by stating for the information of the Chancellor of the Exchequer, that in 1851 Lagos, the last hold of the slave trade on the West Coast of Africa, was taken and became a British possession, lawful trade being there established; the attention of the Natives having been called to the commercial value of the natural produce of their country by those who had once themselves been slaves, Lagos soon rivalled and then outstripped Sierra Leone. The value of its trade was shown by the following figures:—Imports, £416,860; exports, £669,455; revenue, £33,220; the chief items being cotton, £76,956; palm oil and kernels, £542,927; Benni seed and nuts, £10,583.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue instructions for the negotiation of such a Treaty with the Sultan of Zanzibar, as will relieve Her Majesty's Government from existing arrangements, by which they are made parties to the Slave Trade; and that She will use all lawful means to procure the entire suppression of the Slave Traffic and all export of Slaves from the East Coast of Africa,"—(*Mr. Gilpin*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. WHALLEY said, that the first thing to be done towards preventing the cruelty complained of was to bring the district under their dominion. If that were done they could take action consistently; but he hoped the Government would not be led by the benevolent enthusiasm of the hon. Member for Northampton (*Mr. Gilpin*) into proceedings against the Sultan of Zanzibar.

MR. R. N. FOWLER said, he was glad attention had been called to that subject, and hoped the result of the deliberations of the Committee would be the suppression of the slave trade in that part of the world.

VISCOUNT ENFIELD said, he must admit the importance of the question, and, speaking personally as well as offi-

Mr. Kinnaird

cially, he sympathized greatly with the object of his hon. Friend the Member for Northampton (*Mr. Gilpin*), and hoped that inhuman traffic would cease on the East Coast of Africa as it had ceased elsewhere. A somewhat complicated series of treaties existed between this country and Zanzibar, dating as far back as 1822, when permission was given to the British Government to have an agent at Zanzibar to watch the traffic. Since that time various treaties had been signed, tending more or less to the restriction of the trade; but he could not deny that the number of slaves annually shipped had terribly exceeded in amount that which might have been hoped and expected. There was what was called both a legal and an illegal traffic in slaves; and the Committee appointed by Lord Clarendon had made a variety of recommendations with a view to urge upon the Sultan the abolition of both kinds of traffic; to prepare the minds of the Natives for its abolition; pending that time, to place the traffic under the strictest supervision; to encourage the employment and education of freed slaves; and lay down more careful regulations for the proceedings of our cruisers. He should have deprecated the assent of the House to the Motion; but on the part of the Government he was willing to assent to the appointment of a Committee to consider in what way, having due regard to their treaty obligations with the Sultan, means might be found of terminating that inhuman traffic. He was not sure whether at that late period of the Session his hon. Friend would desire the appointment of the Committee, or defer its appointment till next year; but if his hon. Friend would withdraw his Motion, a Committee should be appointed to inquire into the whole question.

MR. RUSSELL GURNEY agreed that a Committee would be the best way of treating this question, but thought it hardly desirable that the subject should stand over till next Session. The information wanted was all within reach of the Foreign Office, and as a short time would suffice to terminate the inquiry, a full investigation might be made even at that late period of the Session.

VISCOUNT ENFIELD explained that he left it entirely to the discretion of his hon. Friend (*Mr. Gilpin*) whether the Committee should be appointed that

year or next. In either case, he was quite ready to co-operate with his hon. Friend.

Amendment, by leave, *withdrawn*.

And, on July 6, Select Committee appointed, "to inquire into the whole question of the Slave Trade on the East Coast of Africa, into the increased and increasing amount of that traffic, the particulars of existing Treaties and Agreements with the Sultan of Zanzibar upon the subject, and the possibility of putting an end entirely to the traffic in slaves by sea."—(*Mr. Gilpin.*)

Committee nominated:—Mr. RUSSELL GURNEY, Viscount ENFIELD, Mr. KINNAIRD, Sir JOHN HAY, Sir FREDERICK WILLIAMS, Lord F. CAVENDISH, Mr. JOHN TALBOT, Mr. O'CONOR, Mr. PERCY WYNDEHAM, Mr. KENNAWAY, Mr. ROBERT FOWLER, Sir ROBERT ANSTRUTHER, Mr. CHUM-EWING, Mr. SHAW LEFEBVRE, and Mr. GILPIN:—Power to send for persons, papers, and records; Five to be the quorum.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee *deferred* till Monday next.

Mr. Speaker having retired from the House.

The Clerk at the Table informed the House, That Mr. Speaker was unable to return to the Chair during the present sitting of the House.

Whereupon, Mr. Dodson, the Chairman of the Committee of Ways and Means, took the Chair as Deputy Speaker, pursuant to the Standing Order.

PRAYER BOOK (TABLES OF LESSONS)
BILL—(*Lords*)—[BILL 181.]

CONSIDERATION.

Bill, as amended, *considered*.

SIR ROBERT PEEL said, that by an Amendment proposed without Notice by the right hon. Gentleman the Prime Minister, the new Tables of Lessons would be optional for use up to 1879, instead of 1873, as provided by the Bill when sent down from the House of Lords. He thought the alteration would be productive of great inconvenience, and he would therefore move an Amendment to restore the date originally in the Bill.

Amendment proposed,

In page 2, line 25, to leave out from the word "substituted," to the end of Clause 2, and add the words "No suit shall be instituted against any clerk for any offence against this Act in following the Table of Lessons hitherto in legal use alleged to be committed prior to the first day of January one thousand eight hundred and seventy-three,"—(*Sir Robert Peel.*)

—instead thereof.

Mr. GLADSTONE said, that the alteration was not proposed without Notice, and was adopted in Committee after full discussion, and after reference had been made to the heads of the Church.

Mr. MONK said, he had learned from very high authority that there was a considerable difference of opinion as to the Amendment of the Prime Minister, and one of the heads of the Church had asked him to move an Amendment to the same effect as that of the right hon. Baronet. Objections were taken to the clause allowing the clergy to use the old Lectionary up to 1879.

Mr. GLADSTONE said, the Archbishops of Canterbury and York had made a declaration in favour of the lengthened term.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to*.

Mr. GLADSTONE said, he had to propose, as an addition at the end of the 2nd clause, the words—

"And provided that the occasions whereon power to alter the appointed Psalms and Lessons is, by the Schedule to this Act, committed to the ordinary, shall be all occasions whereon the ordinary shall judge that such alteration will conduce to edification."

Of that proposal he would explain the occasion. His hon. Friend the Member for East Surrey (Mr. Locke King) had given Notice of several Amendments on the Schedule to that Bill, which, as the House knew, was hereafter to constitute the Calendar, a portion of the Prayer Book of the Church of England. Now, it had been, he believed, the invariable practice of the two Houses of Parliament, from the earliest times, to refrain from interfering as to the details of the Services and Formularies of the Church. There could not be the smallest doubt of the competency of either House to deal in detail with these matters as much as they might think fit; but, practically, they had thought fit to abstain, as he

had described. He had, indeed, with the full concurrence of the Episcopal Body, made the addition by way of amendment to the Schedule in the Committee *pro forma*—namely, a provision with reference to the Psalter; but that was one which had been recommended by the Ritual Commission, and also, he was assured, approved by Convocation. The usage, then, of the House to waive its privilege of original action in that matter, was one which he thought it plain the House would not be disposed to depart from, except it was for some weighty and important purpose. On looking, then, at the Amendments proposed by his hon. Friend, he found that several of them referred to matters of diction and designation, and he at once assumed, without entering upon their merits, that they could hardly, in the views even of those who approved them, afford a sufficient ground for deviating from the practice of that House. On looking, however, to one of these Amendments, he found that it touched the substance of the services. It was intended to make provision for the use of Lessons from the Canonical Scriptures, in lieu of those from the Apocrypha, in cases where it might seem expedient. Now, that was already provided for, in a more comprehensive form, by the Schedule; for the Ordinary had power to allow an alteration of the appointed Lessons upon special occasions. Such was clearly understood to be the meaning of the Schedule on the occasion when the Bill was in Committee, and when the Committee refused, by a majority, to alter it. He had, however, learned that doubts were entertained as to the scope of the words in the Schedule to which he had referred; and, indeed, his most rev. Friend the Archbishop of Canterbury had told him that he would have interpreted them with reference to such occasions as a harvest-home, or the festival of the dedication of a church. That being so, he now proposed to obviate any such doubts by declaratory words in the body of the Bill, intended to clear the sense of the Schedule, and to show that the terms might be altered *pro hac vice*, upon any occasion whatever, where the Ordinary should judge it to be desirable for religious ends. He could not conclude without expressing his own particular thanks, and those of the Government, to his hon. Friend for the

Mr. Gladstone

considerate and handsome manner in which he had accepted that arrangement, and withdrawn his proposed Amendments, thereby relieving him from a considerable embarrassment, and from the necessity of occupying time by setting out in full detail, for the consideration of the House, the nature of the precedents and principles which seemed to apply to the case.

Dr. BALL said, he much preferred the words as they stood in the clause without the proposed addition. Instead of leaving it in legal phraseology, which anybody could understand, it was proposed to add words which, if they had any meaning, would abate the effect of the absolute and unlimited words, and to that he objected.

Mr. GATHORNE HARDY said, it appeared to him that questions of law could never arise. It was what the Ordinary thought best. If he considered it conducive to edification he could do it.

Mr. MONK said, he doubted if such words ought to be introduced into the Bill. The words, if it were to be left to the Ordinary, were mere surplusage. The measure would unsettle everything of uniformity in the Church.

Amendment agreed to.

Mr. MACFIE rose to move an Amendment, the object of which was to substitute the words "the blessed Virgin Mary," for "our Lady" in a Schedule of the Bill. He said the words "our Lady" were found only once in the Prayer Book, and his Amendment would introduce uniformity in the book itself, and harmony with other Churches; and not only that, his objection to the latter term was that it implied power and authority.

Amendment proposed, in page 7, line 39, to leave out the words "our Lady," and insert the words "the blessed Virgin Mary,"—(*Mr. Macfie*,)—instead thereof.

Mr. GLADSTONE said, he could hardly express the pain and regret with which he heard discussions of that kind. He believed there was an increasing disposition on the part of the House of Commons to abstain from all religious controversy, and to pursue that course, in reference to such questions as this, which would be most conducive to peace and harmony. With regard to the philological part of the hon. Gentleman's

argument—for he would entirely eschew the theological part of it—they would get into hopeless confusion, were they to endeavour to trace the root meanings of words. This “cobbling” with the Service Book of the Church he most strongly deprecated, and he hoped the House would not encourage such a proceeding.

MR. GATHORNE HARDY hoped the hon. Member for Leith would not divide the Committee, but would allow the English to enjoy Lady Day as they had done for centuries.

Question, “That the words proposed to be left out stand part of the Bill,” put, and *agreed to*.

MR. GLADSTONE then moved, “That the Bill be now read a third time.”

MR. WHALLEY said, he must oppose the Motion, of which no Notice had been given: more than that, it was contrary to the usual practice to take two stages of a Bill on the same day.

MR. DODSON said, there was no rule of the House that Notice should be given of a third reading.

Bill read the third time, and *passed*, with Amendments.

ELECTION COMMISSIONERS EXPENSES BILL.

On Motion of Mr. WINTERBOTHAM, Bill to amend the Corrupt Practices Commission Expenses Act, 1869, *ordered* to be brought in by Mr. WINTERBOTHAM and Mr. Secretary BAUGH.

Bill *presented*, and read the first time. [Bill 220.]

House adjourned at a quarter after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 3rd July, 1871.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Tramways (Ireland)* (203).

Committee—Judicial Committee of Privy Council* (212-233).

Report—Burial Grounds* (181-230-231); Juries (Ireland)* (221).

Third Reading—Lunatics (Scotland)* (222), and *passed*.

TICHBORNE v. LUSHINGTON.

PETITION.

THE EARL OF DERBY said, he had to present a Petition, to which he would invite the attention of the noble and learned Lord on the Woolsack. The Petitioners were William Stourton and Teresa Mary Josephine Doughty Tichborne, defendants in a Cause now pend-

ing in the Court of Common Pleas, and prayed that the sitting of the said Court may not be suspended until the conclusion of the trial. The cause to which the Petition referred was well known to all their Lordships. The trial, after occupying the Court many weeks, was now about to be suspended for the Long Vacation. Against this postponement the Petitioners protested, on the ground that several of the witnesses were of advanced age and in ill-health, and that by their death in the interim the ends of justice might be prejudiced. He had felt it his duty not to refuse to present this Petition, and it was hardly necessary to add that he did not do so in the interest of either of the parties to the suit, his motive being simply a belief that the matter was one of public importance, which it was right to bring before their Lordships.

EARL STANHOPE hoped the matter would receive the attention of the Government.

THE LORD CHANCELLOR said, the matter had already been taken into consideration. He believed a short Bill would be introduced into the other House—not with reference to this particular case, but for the purpose of enabling all Courts to sit at such times as might be expedient for the due administration of justice, notwithstanding any General Orders which might exist to the contrary.

Petition read, and *ordered* to lie on the Table.

EMANUEL HOSPITAL—SAINT MARGARET'S HOSPITAL AND THE GREYCOAT HOSPITAL.

Her Majesty's Answers to the Addresses of Friday last *reported*, as follow:—

MY LORDS,

I have received your Address, praying that I would withhold My assent from the Scheme of the Endowed Schools Commissioners for the management of Emanuel Hospital, in the City of Westminster.

I shall withhold My assent from the Scheme.

MY LORDS,

I have received your Address, praying that I will withhold My assent from the Schemes of the Endowed Schools Commissioners relating to Saint Margaret's Hospital and the Grey Coat Hospital.

I shall withhold My assent from those Schemes.

ADMIRALTY ADMINISTRATION.

QUESTION.

THE DUKE OF SOMERSET rose to call attention to the evidence given before the Select Committee on this subject, and to ask, Whether any steps have been taken to organize a better system of Admiralty administration? He would remind their Lordships that the Committee was appointed at his instance in February last, on the understanding that the inquiry should be strictly confined to the administration of the Admiralty, without diverging into general questions connected with the Navy, which would have taken up a great deal of time. The inquiry was postponed for a time, in the hope that Mr. Childers would be able to attend; but this not being the case, it proceeded without him. After three or four meetings the evidence taken was deemed sufficient. The Committee having thus completed its inquiries presented its Report, which entirely bore out his statement that the Board had been practically abolished, and that the new system did not work satisfactorily. Four months had elapsed since the presentation of the Report, and he had waited until now, in order that the new First Lord might have time to consider the question; but he now thought it desirable, without further delay, to bring the matter before the House, in order that the Government might have the opportunity of offering any explanation they might wish to give on the subject. He was aware, indeed, that they had had many important matters before them, and had encountered difficulties which menaced their stability; but as they had got rid of the lumber, and thrown the deck cargo overboard, they were better able to manage with the rest. Their Lordships were told on a former occasion that there continued to be a Board, and that it met about twice a week; but the Committee elicited from the Permanent Secretary that it seldom met, and when it met did so in such a manner as to show that it was practically abolished, for it seldom sat five minutes. Both the Permanent Secretary and the Parliamentary Secretary agreed in thinking that it was practically useless, and that it might as well be wholly abolished. The Committee found, too, that the Patent required the appointment of five principal officers, three of whom had

been done away with—the Solicitor thinking it doubtful whether the appointment of five was imperative, and the Parliamentary Secretary stating that he knew nothing about the Patent. The Admiralty, the Committee were told, was divided into *personnel* and *matériel*. Sir Sydney Dacres, the head of the former, spoke of the system as most unsatisfactory to the Navy and to himself. It appeared that when he went to Mr. Childers at the time the Black Sea Question was mooted, Mr. Childers told him “the first thing we must do is to appoint another Lord.” Now, what was the use of the Admiralty if it was only fit for a time of peace? A number of officers were examined, who all declared themselves dissatisfied with the present system. With the exception of Lord John Hay, not a single officer among the witnesses called before the Committee was satisfied with the present system. The complaint was that the *personnel* interfered with the *matériel*; and the *matériel* were not satisfied because they could not interfere with the *personnel*. The Government had dispensed with one of the Lords of the Admiralty on the ground of economy; but on Sir Sydney Dacres being asked what would be done in the event of the First Sea Lord being unable to attend, he said it was not provided for and there would be inextricable confusion; Sir Spencer Robinson could not take his place, and no one else was conversant with the duties, except Captain Wills, the Chief of the Staff under Sir Sydney Dacres. This was a new post, Captain Wills receiving the same pay as if he were a Lord of the Admiralty—so that nothing was saved by the apparently economical measure of doing away with one of the Lords. Not a single witness examined before the Committee approved of the present system of Admiralty administration; and Mr. Childers himself, as he understood, had intended to alter it in some respects. He hoped also to hear from the Government that night some explanation on another point—he should like to know how the scheme of retirement was working; for it, he was told, had caused a dead-lock as regarded promotion, and as something of the kind was to be introduced into the Army it was important to know whether it had succeeded in the Navy. A Member of the Government had remarked in the other House that the especial duty of

the Executive was organization. Looking, however, at what had been done, it seemed to him that their special business had been disorganization. They had accomplished disorganization in the Admiralty, and he wished he could say there was no danger of its being introduced into the Army. He hoped, considering the lamentable state of affairs pictured in the Blue Book, that an assurance would be given that something satisfactory would be done.

THE EARL OF LAUDERDALE said, that no one could doubt either the necessity of the inquiry instituted by the Committee of the noble Duke opposite (the Duke of Somerset), or that the present management of the Admiralty was not what it ought to be. He believed that the British Navy was the only one in Europe that was managed entirely by a political and civil Board. There were, indeed, ordinarily professional members on the Board; but the evidence before the Committee showed that the Department was really in the hands of the civilian First Lord, and that it was entirely optional whether he consulted his professional colleagues or not. He had been 55 years in the Navy, and he had never been able to make out why naval matters should not be managed by naval men. It had been said—with some truth perhaps—that sailors on land were as helpless as infants, and required a nurse to look after them; and he supposed that the same idea was applied to the naval officers, and that for that reason they were furnished with four dry nurses to manage their affairs—the First Lord, the Civil Lord, the Political Secretary, and the Permanent Secretary. Politics and finance were the ruin of the Navy. He did not at all object to having a statesman placed at the head of the Navy; but his objection was that as soon as he had got a little used to the work there was a change of Government, and a new man was put into his place who, perhaps, did not know one end of a ship from the other. The present First Lord, for instance, was no doubt an able man, and, perhaps, if he was sent to sea for six years, and then served for six years more at the Admiralty, he might become fit for the position. The same unfitness of the men for their special duties ran through all the principal posts at the Admiralty. A civilian was intrusted with the purchase of provisions

and stores; but what could he know of them? A naval man, who had been feeding off them all his life, could judge of the best descriptions—and it must be borne in mind that the health of the Navy depended on the selection of the provisions;—and if any of their Lordships had ever been on a lee-shore, under close-reefed topsails, with their life depending upon a four-inch rope, a topsail sheet, they would find out the value of proper stores compared with articles bought at contract prices. Mr. Childers had gone to the Admiralty pledged to a policy of retrenchment, and he had succeeded in his object; he had fired a political shell into the Admiralty, which had knocked the heads off all the Departments, and completely shaken the service to the very foundation. In a very short time the Superintendent of Stores was sent to the rightabout, and the Superintendent of Victualling followed. Now, the latter officer was generally an old paymaster who had been eating salt beef and pork all his days—and very likely drinking a little rum as well—and surely he could tell between a good article and a bad one better than a clerk from London. Then the supervision of the Engine Department had been turned over to the Controller of the Shipwrights' Department. He must also complain that we were now suffering from a great deficiency of small vessels suitable for blockade purposes. The Government seemed to rely on a continuance of peace; but he (the Earl of Lauderdale) believed it to be more uncertain than ever with this "peace-at-any-price" system, and he hoped to have some assurance from the Government that night that the constitution of the Board of Admiralty would be so arranged as to fit it for the emergency of sudden war, if we should unfortunately find ourselves engaged in one. Professional experience and continuity of administration were required to make our naval administration equal to the emergency of war, which in these days gave little warning.

LORD DUNSANY said, there could not be a more proper time than the present for this Motion. Large sums of money had been voted upon the second line of the defences of the country; but they would do well to consider the condition of the first line. The country had great reason to complain of the conduct of the Admiralty for years past, as he believed that it had, first of all,

thrown away the magnificent inheritance of our naval superiority, and had then spent hundreds of millions in endeavouring to reconquer that naval superiority which we ought never to have forfeited. In 1857 the noble Viscount (Viscount Halifax), being then First Lord of the Admiralty, in moving the Navy Estimates compared the relative strength of the English and French Navies at that time. The noble Viscount said—

“Gentlemen may, perhaps, like to have a statement of the number of ships possessed by us in former times compared with others. That I am able to supply, at least with regard to our nearest neighbours, the French; and I am sure it will be the wish of the House that we should have at all times a more powerful Navy than any other nation of the world. We may not be able to be superior to them all; but, at any rate, unless we are prepared to descend from the high position we have hitherto held as the first naval Power in the world, we should be superior to any one nation—some would say to any two nations—in regard to the numbers and power of our ships. The following is a comparison of the numbers of English and French ships of the line—In 1793, 115 English, 76 French; in 1817, 131 English, 72 French; in 1840, 89 English, 46 French; in 1857, 42 English (screw); 40 French (screw). . . . With regard to frigates the comparison is—In 1817, 192 English, 46 French; in 1840, 110 English, 91 French; in 1857, 42 English (screw); 37 French (screw).”—[3 *Hansard*, cxlv. 426.]

It was evident, therefore, that the French had at that time made great exertions in building steam ships of war, and that our naval superiority had been greatly reduced compared with the Navies of foreign States. We had, no doubt, recently undertaken the enlargement of our dockyards; but they were as yet incomplete and insufficient. It appeared to him that the constitution of our naval Administration demanded inquiry.

THE EARL OF CAMPERDOWN said, the attention of the Admiralty had been seriously directed to the proceedings of the Committee—presided over, as it had been, by one so conversant with naval matters as the noble Duke (the Duke of Somerset). But before he proceeded to answer the Question that had been put to him, he thought he might not unfairly call their Lordships' attention to the assumption which seemed to have pervaded both this discussion and the proceedings of the Committee—namely, that the former administration of the Admiralty was a Utopian one, subject to no mistakes or imperfections. Now, it could not be supposed that any new scheme would in the first instance be found to

work perfectly; but while no opportunity had been lost of throwing blame on the changes that had been made and of asserting that they had produced chaos and disorder, he certainly could not admit that the system which preceded was so Utopian as had been represented. At any rate, the generally received reports concerning the former administration of the Admiralty did not entirely concur with what had been heard in the Committee. But he did not admit that what the Committee met to consider was whether past systems were better than the present, but whether the present administration was or was not the best for the nation. As to the meetings of the Board being few, he admitted that the meetings had been fewer than formerly; but he denied that those meetings were valueless. As he had previously explained, the business was done in the several rooms, and the proceedings of the Board were purely formal, though any member was at liberty to raise a question at them; and he remembered a very important matter being once raised. Even in past times the business was not always transacted at the Board meetings, as shown by the evidence taken by the Committee, important business having frequently been done in the room of the First Lord, who, notwithstanding the terms of the patent, had an undoubted pre-eminence. Moreover, there was no reason why the different members should not be perfectly acquainted with the business of the Navy, even if there was no formal Board. As to shipbuilding a naval officer superintended the construction of ships, consulting the First Lord, who in turn consulted the first Naval Lord. The noble Duke (the Duke of Somerset) had urged that the Patent rendered the appointment of five officers imperative; but the Patent itself and the evidence of the Solicitor to the Admiralty showed that the question was a very doubtful one. As to the observation that when the first Naval Lord was away there was no one to take his place, he must say it was never thought in former times, nor did he see any reason why it should be thought now, that when the first Naval Lord was away the second Naval Lord was not fit to take his place. The criticism on the Board of Admiralty was based on the evidence of some of the witnesses who appeared before the Com-

Lord Dunsany

mittee; but the evidence of Lord John Hay had been entirely passed over, although it was by no means the least able evidence given before the Committee. In one of the draught Reports no notice was taken of that evidence; but that in a draught presented by a noble Earl attention was called to the fact that Lord John Hay did not agree in many of the opinions that had been expressed. As to whether an Order in Council was necessary or not to legalize the changes in the constitution of the Board of Admiralty, he was hardly able to pronounce an opinion; but the first Naval Lord was told by his legal advisers that it was most desirable that changes in the constitution of the Board should be made by an Order in Council. As so much had been said about the stagnation of promotion, and the consequent discontent among naval officers which had been caused by the retirement scheme of the 1st of April, 1870, he (the Earl of Camperdown) might be allowed to observe that if that retirement scheme had not been adopted no officer would have been promoted to the post of admiral of the fleet, or of admiral, or of vice-admiral; only two would have been promoted to be rear-admirals, five to be captains, and nine lieutenants to the post of commanders; whereas under the recent retirement scheme 40 sub-lieutenants had been promoted to be lieutenants, 28 lieutenants to be commanders, 18 commanders to be captains, 10 captains to be rear-admirals, four rear-admirals to be vice-admirals, and five vice-admirals to be admirals. Under these circumstances, it was rather hard to say that the working of the recent Order in Council had been stagnation in promotion. There never had been an Order in Council reducing the established number of officers which did not temporarily retard promotion. If the recent Order in Council had not been passed the outcries against stagnation of promotion would have been tenfold what they were now. In reply to the Question whether any, and if so, what change would be made in the Board of Admiralty, he believed it was not impossible that some modification might be made. But he was sure their Lordships would feel that it would be far more convenient to the public service, and far more natural that any change in the administration of the Board should be announced by the

head of the Board himself in his place in Parliament. He (the Earl of Camperdown) did not feel himself at liberty to make any further statement to the House. On the next occasion when the Navy Estimates were taken, Mr. Goschen would announce to the House of Commons the plan according to which he intended that in future the administration of the Board of Admiralty should be conducted.

EARL GREY said, the conviction of almost everyone who took the trouble to read the evidence given before the Committee must be that the recent changes in the constitution of the Board of Admiralty, and in the mode of transacting their business, were most injudicious, and had not tended in the direction of improvement. They had effected no real saving of any sort, and they had completely disorganized an existing system. Under our system of Government it was obviously impossible that we could always insist on having a naval officer at the head of the Admiralty, nor did he believe it desirable if an arrangement of that kind could be made. One of the most distinguished of our naval officers did not acquit himself as head of the Admiralty with the same success which he achieved in the Navy. It seemed to him (Earl Grey) to be absolutely essential to the administration of this great Department that a system should be in operation by which the civilian head of the Department should always act upon proper consultation and communication with the Naval Lords. He was afraid that the present system was no system at all. The Committee of their Lordships' House which had sat to consider the matter had investigated the subject with great care, and in the very able Report which had been proposed by the noble Duke who presided over that Committee, it was pointed out in a most temperate manner that the changes which had been introduced by Mr. Childers and their effects were of a grave character; and he thought it a very significant fact that those who advocated the cause of the Government did not venture to meet the Report upon its merits, but merely urged the Committee to abstain from pronouncing any opinion upon it in the absence of Mr. Childers. Unfortunately, the Committee had yielded to the request. It appeared to him at the time, and still more upon reflection, that

in refusing in this manner to discuss the effect of the changes that Mr. Childers had introduced the Government were really allowing judgment to go against them by default. It was impossible to believe that changes of this magnitude, affecting one of the most important Departments of the State, could have been introduced on the sole authority of the head of the Department. Nor could he suppose for a moment that the other Members of the Government were guilty of so great a dereliction of duty as that of assenting to a change of this importance, without being satisfied of its propriety and of its advantages. It was clear that they must have been considered and sanctioned by the other Members of the Government before they were adopted by Mr. Childers, and therefore his unfortunate absence afforded no ground for a refusal on the part of the Committee to enter into them, inasmuch as the other Members of the Government could have given the Committee any information with regard to them that might have been desired. Seeing, however, that hopes were held out that the subject might yet undergo further consideration, he thought it would be as well if the noble Duke were not to press the matter further at present.

VISCOUNT HALIFAX said, he could not suffer the speech which had just been made by the noble Earl (Earl Grey) to pass unnoticed. He must state, in the first place, that he was in no way responsible for the changes that had been so much complained of, he not having been a Member of Her Majesty's Government at the time they were made. It was, however, a great disadvantage to the success of the inquiry in question that the one person who, after some experience in the Admiralty, had made the changes referred to, and who could have given evidence upon the subject far more valuable than that of any other two or three persons, was, in consequence of indisposition, unable to state his views upon the matter to the Committee. He might be wrong in his opinion as to the duty of a Committee; but his belief was that the Committee were bound to frame their Report with reference to the evidence that had been laid before them; and if they had given an opinion upon the question of these changes in their Report, they would have been pronouncing an opinion upon a matter

Earl Grey

without having heard the evidence of the most important witness who could have been called in reference to it. Therefore, he had felt it to be the duty of the Committee to abstain from giving an opinion in the absence of the evidence of Mr. Childers. The only question raised in the Committee was the constitution of the Board of Admiralty. Very strong opinions were expressed on the subject; but he need not refer to them now, as they had already been referred to by his noble Friend. It was unnecessary to follow the observation of the noble Duke as to the question of the state of the Navy some 15 years ago further than to remark that since that time our dockyards had been increased and a Naval Reserve had been created which had given us the means of placing a considerable number of additional men on board of the fleet at a moment's warning. With regard to the Board of Admiralty, he thought it was quite right that the First Lord should have the assistance and advice of officers of high rank in the Navy. He did not think the present First Lord of the Admiralty had been unduly slow in making up his mind with reference to what changes should be made, because nothing could be more unwise than that changes of any kind should be hurriedly or prematurely introduced into the service. Doubtless, in a short time the right hon. Gentleman would see his way to introduce all the modifications in the existing system which it would be useful to adopt.

LORD LYVEDEN said, that the absence of Mr. Childers might have been a good ground for opposing the appointment of a Committee, but that it afforded no ground for restricting the limits of the inquiry when that Committee was once appointed. He was inclined to think there was some truth in the alleged deficiency of the naval element in the Board, and that something might be added to that element in the future constitution of the Board. It was absolutely necessary, in his opinion, that the First Lord should have advice at hand in reference to sea matters, and that this advice would be best given by a board of naval officers. These, however, were matters which it had been said were under the consideration of the First Lord of the Admiralty, and it would therefore be unfair to ask

the House for an opinion upon them. But their Lordships were much indebted to the noble Duke for his perseverance on that question, and for not allowing it to sleep.

LORD HOUGHTON said, he had voted with the noble Viscount (Viscount Halifax) because he felt that the absence of Mr. Childers seriously affected the decision of the Committee. No one could read the interesting Report of the noble Duke (the Duke of Somerset) without seeing that it dealt with a personal question on which it would have been impossible for the Committee to come to any conclusion that could be considered a legitimate one without the presence and the examination of Mr. Childers. If the Report of the noble Duke had simply referred to public matters, and been confined to the constitution of the Board of Admiralty, it might have been properly discussed paragraph by paragraph; but it embraced a very delicate personal question, involving the loss to the public service of a man of great genius and ability, and whose genius and ability no one more appreciated than Mr. Childers himself; and this circumstance rendered that course undesirable. Mr. Childers had not treated the naval portion of the Board with any less regard than they had received from any previous Minister; but he had simply determined on adopting a mode of communication and consultation with them which should place the actual responsibility where it ought to rest. He must acknowledge that the noble Duke had conducted the inquiry in a spirit of perfect impartiality and dignity; but no fair-minded man could read the Report or examine into the matter without believing that Mr. Childers, although he might possibly have made some mistakes or committed some errors of judgment, had been a most useful and most valuable servant, and one who had sacrificed his health by his devotion to his public duty.

LORD SANDHURST said, if there was one thing which they had a right to demand it was that Boards nominated on the authority of the Government should not only be held responsible to the public, but should be held to answer for their acts, and should not be—as was declared in the evidence contained in the Report before the House—"a sham and a delusion." He would submit that to say a Board of that kind was

responsible was to beg the whole question now brought before them by the noble Duke, and was to say, in point of fact, that the system which had been criticized that night was much more perfect than the one it superseded. On that point he did not pretend to offer an opinion; but there was a point which had not been alluded to in that discussion, and which, according to what he had been able to note in that Report, had not been brought forward sufficiently in the evidence. It was this: that wherever they had a Board or a Council nominated by a responsible Government for the purpose of doing most important Executive business, they should make it a certainty that the opinions of that Board could be called for individually, if required, and placed before the public. Now, if they had what he might call the "private room system," by which a First Lord of the Admiralty might consult one individual or two individuals, or none at all, and then put forward a Minute to the public as if it had been signed by the Board itself, then he said there was no responsibility to which the public could appeal, no responsibility which that House could question, no responsibility which might give a security to the public. He had the honour of serving under his noble Friend on his right (Lord Lawrence) for five years, on an administrative body which answered in every important particular to the conditions of the Board they were now discussing. If a very important matter was laid before his Council by the Governor General of India, and if a great difference of opinion arose, the question might be first discussed orally in Council, and afterwards, if a decision could not be arrived at, the members of the Council, including the Governor General himself, recorded their opinions and the reasons for their difference, and these opinions and reasons were submitted to the Secretary of State for India, and also to Parliament if it were required. Well, it might easily have happened—though he did not think such a case ever really happened while he served under his noble Friend—that such a painful discussion should have arisen as that of which they had lately heard between the late First Lord of the Admiralty (Mr. Childers) and Sir Spencer Robinson. Had it arisen, the course would have been very obvious. The

points of difference between the Governor General and that member of his Council would have been discussed orally between them before all the other members of the Council. If they could not have come to any decision—if it were impossible for the Council to agree with the Governor General—the Governor General, in the plenitude of his power, could have set aside the decision of the Council, and would have recorded his reasons, and the Council would have recorded theirs, for doing so, and forwarded them to the Secretary of State, who would have supported him in the manner in which he always supported the Governor General. Now, if the Board of Admiralty had been constituted as that Council of the Governor General of India was, when a matter arose whether of a personal nature or of such extreme importance as the order for the building of the *Captain* against the recorded opinions of the Constructor of the Navy and the Controller, when it was decided to coincide with what was called public opinion in the face of science and of the responsible advisers of the Admiralty, in that case the country would have been spared the fatal errors which had been referred to that evening. He apologized for interposing, not being a naval man, in that debate; yet that question was, he thought, not altogether a naval matter, but one of organization and of administration; and he believed it would be allowed by all noble Lords that there was no single question which presented a problem more difficult of solution, or one which it was more important should be solved satisfactorily.

THE DUKE OF ARGYLL said, the Government were considering the arrangements made by Mr. Childers in the Board of Admiralty, with a view to certain modifications. The noble and gallant Lord (Lord Sandhurst) had said there was no use in a Board of Admiralty not responsible to Parliament; but the Board of Admiralty never had been responsible to Parliament under the old system. The Board had always been the advisers of the First Lord, and no analogy could be drawn between the constitution of the Admiralty and the constitution of the Government of India. He agreed that they should have complete responsibility of the Board of Admiralty to Parliament; but the responsibility should rest in the hands of that Member of the

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Government who presided over it. Although the Government was ready to consider any suggestion on the subject in the course of their review of the arrangements made by the late First Lord, it was most improbable that a suggestion to adopt the constitution of the Indian Council—which was, in fact, the sole Legislature of an immense Empire which had no representative institutions—as a model for the constitution of a Department of State in this country, would lead to any practical result.

LORD SANDHURST said, the Council to which the noble Duke alluded had Executive duties to discharge also.

ARMY (RECRUITING, &c.)

MOTION FOR AN ADDRESS.

LORD STRATHNAIRN, in moving that an humble Address be presented to the Crown for copies of Instructions, Returns, &c., relating to Army Recruitment, said, their Lordships had listened with attention to that passage in the Royal Speech which drew the attention of Parliament to the momentous events of the late war, and to the numerous and important lessons of military experience it had afforded, and their interest had been heightened by the words in which Her Majesty was graciously pleased to add that the time was now appropriate for turning such lessons to account, by efforts more decisive than had hitherto been made in this country at practical improvement. Nothing could be stronger than the speech made "elsewhere" by the Secretary of State for War when introducing the Bill for the regulation of the Army. Having declared that the events upon the Continent were marvellous without a parallel in military history, and that they had excited in the minds of the English people a firm resolve to place their institutions on a footing of permanent security, the right hon. Gentleman went on to develop his plan for the creation of the Army as the first line, and a Reserve for the second and third lines for defensive and offensive operations. In using the words offensive operations, he (Lord Strathnairn) hoped he might not be misunderstood. Nothing could be further from his desire than to advocate unjust war, or a war of aggrandizement;—wars so undertaken were a disgrace to the civilized world, and of lasting injury to

its welfare and happiness. But he believed he was only re-echoing the sentiments of the people of England when he said that they would not accept a security which did not guarantee the rights of treaties, the maintenance of the balance of power, and last, but certainly not least, the position of England upon the sea. It was for these three things that Pitt contended with the greatest statesmen of Europe, and it was for these three things that Marlborough, Nelson, and Wellington led to success forces which never hesitated before any sacrifices. The basis of Mr. Cardwell's plan was the Prussian—three years' service in the Army and then transfer to the Reserve. But this imitation of the Prussian system was impracticable in our case, because the copy rested on a basis wholly distinct and different from that of its model. The *sine quâ non* of all military organization was the power of recruiting, and no contrast could be more striking than that presented by the Prussian to the English system of recruiting. The Prussian system was involuntary and compulsory; the English was altogether voluntary. The results of the working of these two systems were equally at variance, as might be expected; in one case manhood and certainty of numbers, in the other case boyhood and total uncertainty. The Prussian conscription was so arranged as to bring into the ranks the flower of the population, and to relieve with the regularity of clockwork a certain portion of the Army each year, which then passed into the Reserve. Our recruiting was voluntary and uncertain; the numbers obtained depended upon the fluctuations of the labour market and other causes, and the more urgent the demand for men, the greater the difficulty in obtaining them; and all the conditions of the recruits' efficiency were reduced—age, height, and chest measurement. Such was the exigency felt during the latter part of the Crimean campaign that the worst classes—ticket-of-leave men even—were recruited freely into British regiments; and the Army knew well how many gallant British officers had died in the attempt to make such men obey orders and do their duty. The Secretary of State for War started with an ominous admission; he admitted that his first line was "attenuated," but hoped that the first class

Reserve would make up the deficiency. He (Lord Strathnairn) was afraid this hope would be found to rest on a basis as unsound as the imitation of the Prussian short service. His noble Friend the Commander of the Forces in Ireland (Lord Sandhurst), in a recent speech—which had been answered only by admissions and excuses—laid his finger on the causes of attenuation in the British Army, and insisted that organization upon such a basis was impossible, and that, if attempted, disgrace and failure would be inevitable. His own experience, both in India and in Ireland, enabled him to confirm every word his noble Friend had stated as to the fatal consequences of extreme youth in the recruits for the Army. Another feature of the Government scheme which created dismay among Army men was the proposed yearly transfer of selected men to the Reserve, which would only leave in the regiment an inferior material for that most valuable and indispensable class, the non-commissioned officer. As to the Militia Reserves, the right hon. Gentleman stated that he was not "enthusiastic" for them—which meant, in plain English, that he did not half like them. But in that unfavourable opinion he himself (Lord Strathnairn) was unable to share, for experience showed that whenever the Militia had been brigaded or mixed with troops of the Line they had done excellent service. But if the Militia at present laboured under a disadvantage, it was because the organization of the War Department was such as to have the effect likewise of attenuating their ranks; for if called upon in case of emergency the Militia would have to give all their men of spirit as volunteers to the Line. The Reserves, consequently, were Reserves merely of individuals, and not of regiments, brigades, and divisions organized into Army corps. Then, as to the Volunteers, he entertained the highest respect for that force, for their patriotism, their intelligence, and the excellence which they had attained as marksmen. If they had defects, he could not in justice attribute them to the Volunteers themselves, for they arose from mismanagement other than their own. Much time had been persistently spent in teaching them to march past symmetrically; but in the 12 years of their existence not an hour had been devoted to instructing them in the

best mode of turning the natural features of the country to account—its hills and hollows, and the obstacles, hedges and ditches, as created by agriculture. Engineering would not construct better obstacles than agriculture had done in England. If he were called on to defend this country he would not wish for troops better calculated to defend these “obstacles” than the Volunteers. The Army Reserve was established in 1867, the conditions being 2*d.* per day pay, some prospect, though not a very satisfactory one—as to pension, a training of 12 days with the Reserve, and 28 days with the Militia. After three years’ trial that force failed, the cause being—as he stated to the Adjutant-General in June, 1870—insufficiency of pay and allowances, and the difficulty which men belonging to the Reserve experienced in obtaining civil employment or labour. In the next month the Government raised the pay to 4*d.* per day, and discontinued the period of training with the Militia, but they left untouched the difficulty of obtaining civil employment, although on that depended the interest not only of the soldier, but also of the service, of the employers, as well as of the taxpayers. A soldier could not return willingly to civil employment which he had left not long before from preference for the Army, and if he did he would have to struggle for a bare existence, in which he could not obtain those advantages which he enjoyed in the Army. The interests of the service had been entirely lost sight of by the abolition of the 28 days’ training; and this step that had been taken to attract soldiers into the Reserve, as well as to facilitate their obtaining civil employment, had the effect of depriving them of their efficiency—because if, as often happened, bad weather prevailed during the 12 days’ training, they would have little or no instruction. The discipline of this precarious force was in the hands of the civil authorities, instead of being intrusted to the Commander-in-Chief, who had a competent Staff. The Reserve men were turned loose on the world, with a roving pass, and a bounty of three months’ pay in hand, although no one had declaimed, and justly, so much against the evils of bounty as Mr. Cardwell. Under these circumstances, who who could predict where these men would be found on the call of an emergency?

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The civil employer would not fancy as a servant a man to whose services the Government had a prior claim. In Ireland a man might be taken away from his employment during months together, and the taxpayer might very naturally object to give double pay to a Reserve which, as he had shown, would be a most inadequate protection. Parliament, he thought, had a right to complain of the War Department for having withheld important information respecting the causes of the failure of the Reserves, and for having acted contrary to the assurances in the speech of the Commander-in-Chief; but he consented to the second reading of the Bill relating to the Reserve on the clear understanding that it should not interfere with the existing system of recruiting with the Long Service Act and pension. Pension was the best guarantee of the soldiers’ good, and the surest safeguard against his misconduct.

Moved that an humble Address be presented to Her Majesty for,

Copies of instructions issued on the subject of recruiting during the last three years, showing the changes in the age, standard, height, and the mode of taking the chest measurement :

Copies of instructions to medical officers regarding the examination of recruits and manner of testing their vision :

Extracts from the last monthly returns of regiments of infantry, showing the ages of the non-commissioned officers and men in each regiment or battalion, and their length of service :

Copies of correspondence with the commanding officers of regiments or battalions relating to the disadvantages of the youth of soldiers enlisted during the last three years : And also,

Returns showing the numbers of recruits who were passed into the service, and of men discharged therefrom, during each of the months from 1st April 1870 to 31st March 1871.—(*The Lord Strathnairn.*)

EARL DE-LA-WARR said, the Returns that had been moved for would serve to keep alive the question of recruiting, on which much public feeling had been excited by the unparalleled events that had recently occurred on the Continent, as well as by the uncertainty in which the terms of enlistment and the conditions of service had been left by the Secretary for War. The views that were expressed on the part of the Government when the subject of recruiting was before Parliament last year had not been adhered to, nor had the policy that was then announced been strictly and honestly carried out. It was then under-

stood that the principle of short service was to apply to only a certain proportion of the men in a regiment, in order that there should always be a large number of well-seasoned men in the ranks; and the Returns asked for would show how the assurances that were repeatedly made by the noble Lord the Under Secretary for War had been fulfilled. The Act passed last year invested the Secretary for War with ample power to vary the conditions of service as he might think fit; but the confidence which their Lordships reposed in the right hon. Gentleman had not been justified by the manner in which he had since proceeded. The public mind had been disquieted by the signal failure of recruiting, and by seeing that the Secretary for War was so perplexed as to be obliged "to proceed tentatively," as it was said—that being another expression for groping in the dark. It must be obvious to everyone that the civilians who were responsible for the Army seldom consulted military men. Did anyone suppose that the recent Circulars relating to recruiting would have been approved by a military man? He rejoiced that these Returns had been moved for by the noble and gallant Lord, because they would show the unfortunate condition to which some of our regiments have been lately reduced.

VISCOUNT MELVILLE expressed his gratification that these Returns had been moved for. In his opinion, the present Militia Reserve was a mere farce, and must continue to be so unless they enlisted a fresh man for every one who was liable to be drafted into the Regular Army. Moreover, their regiments were attenuated, many of their squadrons but half-horsed, and he understood that even the artillery had been reduced since last year. If they were to have a Reserve it must be properly officered and properly manned. The subject was one that deserved to be kept before the attention of the country, for at present it was well calculated to excite grave alarm and discontent.

LORD SANDHURST said, that this debate might, in a certain sense, be considered the continuation of a former debate, raised at his instance some weeks ago. He begged to take this opportunity of offering his earnest thanks to the War Department for having considered the suggestion with reference to

enlistment of immature lads for service in India. He had spoken strongly on this subject on a previous occasion; but, whilst urging his argument with such force as he was able to throw into it, he was well aware of the difficulties to which the War Department was exposed in carrying through such a change. But his noble Friend the Under Secretary of State for War and the House would recollect that the furnishing of recruits for India was but a part of the question which had been raised. In point of fact, he had used the Indian argument as the illustration in time of peace of what would affect the whole Imperial Army of Her Majesty if we were required to send troops abroad to meet an enemy in a foreign land. He must, then, again repeat the question—What would be the condition of an Army of which a large proportion should consist of half-grown immature lads, instead of strong and full-grown men? Referring, then, to this question, which was the main one raised by the noble and gallant Lord opposite, he asked if the regiments in this country were to lose the best of their men, by way of transfer to the Reserves in the first instance, and in the shape of volunteers to fill up Indian regiments in the second, what would remain of those regiments which were to represent this country on the Continent in case of war? Far was it from his wish to add to the difficulties of the War Department, which he knew were very great. But for the best interests of the country, indeed for its security, a sufficient answer was required. It was fraught with difficulty; the solution of the problem had yet to be found; it could not be too much brought before the public; it demanded the amplest discussion. Doubtless, the presence of a number of men from the Reserve would be of immense advantage to the regiments when they should be subjected to the ordeal of war. But assuming that every man from the Reserve answered to the call when it was made upon him, and that our present system of recruiting lasted, a large proportion of our troops would, nevertheless, consist of boys, whose age was from 17 to a little over 18 years of age—a class of soldiers which, when offered to Lord Raglan in the Crimea, had been declined by that lamented commander. In a previous debate his noble Friend had

reminded him—as he had a perfect right to do—of the opinions expressed by him (Lord Sandhurst) in favour of a conscription for the Militia. He still adhered to that opinion, and he firmly believed that it was the only sufficient manner in which the views of Government could ultimately be carried out. But the experience of the last few months, and the observation of the opinions held by the majority of those sitting on both sides in Parliament, had convinced him that his views were not those of the country, and that it was vain to expect a Government which could be found to give execution to them. That being so, he cast about in his mind to see what other resource might be found in some manner to supply the place of that of which he lamented the absence. He believed that such a resource was to be found in the scheme which he had before submitted to their Lordships. He repeated, therefore, that the Militia should be made the nursery for the Line; that there should be one age for the recruit of the former, and another, and a more advanced age, for the recruit of the latter. At certain seasons of the year the War Department should declare the number of recruits required for the Line. A rate should then be struck on all the regiments of the Militia in the United Kingdom, and Militiamen of the prescribed age should be invited to volunteer accordingly. No pressure should be put on; it would be real voluntary service. All Militiamen who chose to remain with the Militia would do so, only those coming to the Line who came of their own free will. Credit was taken the other night, in a debate in “another place,” by the Secretary of State for War, for a possible economy in the re-organization of the Army, on a basis which should include a greater part of the pensions. He ventured to contest the good policy of such an announcement. The great object in view at present was not only to obtain a numerical sufficiency of recruits, but also to raise the character of the service, to insure that the recruits for the Line were of a sufficient age; in short, to supply the service properly, to give that service a highly popular character. Now, with such objects in view, it seemed to him impossible to reconcile an economy on present charges; and he did not think it would be possible to attain the

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objects proposed by Government, with reference to manning the Army and the Reserve, if the measures of economy were persevered with. The Secretary of State for War having acceded to the proposal that raw boys should not be sent to India, experience would soon prove that the same principle would have to be attended to with reference to the troops employed elsewhere. That was shown by the fact that probably the larger half of the recruits raised were for Indian service. He repeated, then, that the object being to improve the service, to place it on a wider basis, the attempt to insure an economy at the same time was to try to reconcile propositions of absolutely opposite characters. What would be the result it would not be difficult to foretell. He ventured, then, to submit to their Lordships that, if the principle of short-service were to be reduced to practice, either the whole or the greater part of the money which now went in the form of pensions, must be spent in raising the daily pay of the men who were of a satisfactory age. They had the best authority with regard to the difficulty of obtaining recruits who had reached the age of manhood: it was evident they could not be got unless they were treated liberally. In support of that, he might refer to the answer of his right hon. and gallant Friend the Surveyor General of the Ordnance to the hon. Member for Finsbury (Mr. W. M. Torrens), in a debate in “another place.” After showing the exigencies of our Army, and the duties imposed upon the troops, his right hon. and gallant Friend made some remarks which would have been matter of discouragement, but for the pledge lately given by the Secretary of State for War. But, as he had said before, the Indian argument was only a portion of the general question. He would repeat his conviction that the concession of recruits of greater age having been made for India, it must follow, as a matter of course, that the concession would have to be extended to all Her Majesty's regiments wherever serving. In a matter of this sort it was impossible to have two systems. How, then, was this difficulty to be met. It seemed to him that in addition to using the Militia, as he had suggested, there was another condition which must force itself on the public, and ultimately on the at-

tention of the Government. That condition was one which was never forgotten in the arrangements of any trade or any profession. It was simply this—that men of sufficient age, and who had mastered their business, were entitled to expect a larger daily wage than lads or apprentices. The solution of the problem before them appeared then to him to lie in the application to the Army of what was so well understood and acted on in every establishment of labour, whether public or private. If, then, 1s. 3d. a-day be declared to be the wage of the Militiamen when embodied for training, and if it was the proper wage for a man enlisted at barely 18 years of age, it was tolerably clear that the mature man of 21 was entitled to something more. The Secretary of State had doubtless shown that recruiting had been fertile during the past few months—that was to say, that the numbers of recruits who had presented themselves were sufficient for the demands of the public service. But they had no reason to suppose, after all that had been alleged regarding the difficulty of obtaining men who exceeded 20 years of age, that those who had been lately got were anything more than mere lads. They came back, therefore, to the old question which considered the quality of the man as well as their numbers. His suggestion, therefore, was as follows:—Recruiting must be placed on some broader basis than it at present occupied, and that could only be done by bringing it into closer connection with the Militia. His proposals might, therefore, be reduced as follows:—That the Militia should be henceforth the nursery for the Line; that there should be different ages for the Militia recruit and the Line recruit; that transfer of men who had exceeded 20 years of age from the Militia to the Line should freely take place according to rules; and that the pay of the Linesman, who had completed his 21 years, should stand at 1s. 6d. a-day. If those suggestions were adopted, he believed that the system of short service would work, but not otherwise. He believed in short service, and he was glad to see it urged forward. But that being admitted, it was imperative not to forget the conditions according to which the new system could be practised with satisfaction and safety. The importance of the principle of short service was seen not only in its being the means of pro-

viding larger numbers for the Army, but also in the fact that it might afford the effort of reconciling the country to the Army. It was well known to their Lordships that a very large and respectable portion of the population of this country objected to their sons entering the ranks of the Army. They believed that a lad who became a soldier was lost. That opinion was often propagated in modes and by authority which were much to be regretted. In support of that, he would take the liberty of reading to their Lordships a short speech lately made in “another place” by an hon. and gallant Member when there was a discussion on a clause in the Army Regulation Bill affecting the Volunteers. That hon. and gallant Member said—“That he thought it humiliating to place a badge of military bondage on free citizens who came forward to serve their country, and who ought not to be reduced to the position of private soldiers.”

VISCOUNT MELVILLE here rose to Order, and said, the noble and gallant Lord was not speaking to the question before the House.

LORD SANDHURST replied that if the noble and gallant Viscount would listen to the argument he would find that he (Lord Sandhurst) was absolutely in Order. The question raised by his noble and gallant Friend opposite was really how the numbers of the Army were to be raised, and how Reserves were to be organized. It was clear that if the character of the soldier was degraded as shown in the quotation read to the House, if the Army were to be told that to place the Volunteers under the Mutiny Act for certain purposes was to lower them and reduce them to the humiliating position of a private soldier, it was hopeless to expect that the Army of this country could be placed on a national footing, or the position of the soldier raised amongst the population at large for the purposes of the State. Consequently, reference to this matter was very closely connected with the Motion of the noble and gallant Lord. The reconciliation of the Army and the country by the adoption of the principle of short service touched very nearly all questions of recruiting; and the passage he had read illustrated but too forcibly the want of the due perception of the relation which should

exist between the country and the Army. It was owing to such notions as these that the Army came to be so terribly misunderstood by the public, and that the difficulties of the War Department were so fearfully increased. In conclusion, he would ask his noble Friend to believe that if at times he appeared to differ on certain points from him and from his right hon. Friend the Secretary of State for War, this was not prompted by any spirit of antagonism, but because he felt the great importance of these questions, and that as yet their solution was not determined. They had been told by the illustrious Duke the Commander-in-Chief that the measures now in execution were of a tentative character. Now, when they dealt with physical science, tentative measures were called experiments. That, then, meant that those who made the experiment were uncertain with regard to the bodies on which they were operating to the conditions they had to consider. This, then, was the time for criticism and suggestion; and if he ventured to offer opinions in this sense, he must express a hope that they would not be misinterpreted as evidence of unfriendliness with those with whom he was acting.

LORD DE ROS said, he could not understand on what ground the noble and gallant Lord who had just spoken should have talked of reconciling the Army and the country. The Army was never more popular with the country, or more universally respected, than it was at this moment. As to the vexed question of enlisting men so young for the Army, they all knew that for the last 40 years that had been the greatest difficulty of the Horse Guards. One-half of the ploughboys who enlisted did not know themselves whether they were 17, 18, or 19 years old; and he had heard of the case of an agricultural labourer who said he was 67 or 76, he could not tell which. As to getting young men of 20 or 21 who had engaged in trade, as they generally had done by that age, it was impossible—they could only get those to enlist who had not engaged in any trade; and he believed that among the population of England there was a strong feeling in favour of the Army as a profession. The best remedy for the present state of things was to go back to the old system of second battalions, which were the nurseries of the regi-

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ments, and which had answered most admirably.

THE MARQUESS OF EXETER expressed his belief that the reason why men were unwilling to volunteer from the Militia to the Line was because they would not enlist for short service, which gave them nothing to look forward to in the shape of pension.

LORD NORTHBROOK said, so many observations had been offered on this subject by distinguished officers, that it was necessary that he should make a few remarks. There could be no doubt that this was one of the most important questions connected with the organization of the Army; and he only regretted that it should have been raised that night in a desultory manner—as was not unusually the case in their Lordships' House—simply on a Motion for Papers. Although it had attracted much public attention this Session in both Houses of Parliament, the question was by no means a new one to those who had anything to do with our military administration. The problem was a difficult one—they had to keep up an Army of moderate size in time of peace, and to have, if they could, a large Reserve for the purpose of completing that Army in time of necessity to a war strength. His noble and gallant Friend (Lord Sandhurst) said the first and easiest remedy that occurred to him was that some system of compulsory service should be introduced; but he had found that this was not a proposal which would meet with the approbation either of Parliament or the country. Another difficulty was that our Army had to perform a greater amount of ordinary service abroad than any other Army in Europe; and moreover—as had been pointed out by the noble and gallant Lord who had introduced the subject—we had the highest rate of wages for labour of any country in the world. These circumstances rendered the problem one of very great difficulty. The question was discussed in the time of the great French war, when Mr. Windham brought in a Short Enlistment Act, which remained in force for a short period with every prospect of success. It was again raised in 1847 by Lord Grey, in a striking speech introducing the Limited Enlistment Act, when he pointed out the steps that had been taken to raise the position of the soldier, and by that means to induce a greater number

of eligible recruits to enlist. From that time until 1867 successive Secretaries of State for War and Commanders-in-Chief had devoted their attention to the improvement of the condition of the soldier. The late Lord Herbert of Lea—under whom he himself had the honour to serve—would be recollected by the Army as being probably the man who had paid the greatest attention to the health and condition of the private soldier. When Lord Herbert took up the question of the sanitary condition of the Army, the death-rate in the service was 17 per 1,000, whereas the ordinary death-rate among the same class of our population was not more than 8 or 9 per 1,000. Under the system initiated by Lord Herbert the death-rate in the Army in England was reduced to 9½ per 1,000, showing that an immense improvement had taken place in the condition of the soldier in this country. The Recruiting Commission of 1867, of which Lord Dalhousie was the Chairman, had reported on the danger of the want of any reserve, having regard to the suddenness with which war broke out, and remarked that the service was unpopular on account of the soldier being expatriated during two-thirds of his period of service. When the present Secretary of State assumed the duties of his Department, the very first things that claimed his attention were the condition of the private soldier, the importance of an adequate supply of recruits, and the establishment of an Army of Reserve. In a very short period his right hon. Friend made arrangements for reducing the number of regiments in the colonies, so that foreign service should occupy only one-half instead of two-thirds of the soldier's time; bounty on enlistment was abolished, and the pay was increased; arrangements were made for employing soldiers in trades, and inducements were offered for good behaviour from the time of enlistment. The punishment of marking was abolished, and 3,000 bad characters had been discharged from the Army during the last two years, thus removing ground for a complaint which had often been made, and which had formed the subject of a letter to *The Times* from a commanding officer in the Guards, who regretted his inability to discharge bad characters. In fact, he believed there was no single point which more pre-

vented young men of good character from entering the Army than the existence, in most regiments, of men of notoriously bad character. A great change was also made in the punishment of military offences—all these measures were taken with the intention of raising the tone of the private soldier in the Army. The result had been satisfactory in raising the character and improving the general conduct of the soldiers. The Reports from the Governors of Military Prisons showed that, owing to the discharge of bad characters, there had been a reduction in the number of soldiers confined in these prisons. Thus, from the time the present Secretary for War assumed office, there had been a steady application of measures for the improvement of the condition of the soldier. At the same time recruiting had been vigorously carried on, and a greater number of men had been enlisted since August last than had been enlisted during former periods of similar duration. The noble Lord (Lord Strathnairn) who had brought this Motion forward, and other noble Lords, had assumed without accurate information that the mass of these recruits were extremely young, and, therefore, inefficient. But that was incorrect. The medical Reports for the years between 1864 and 1869 showed that out of every 1,000 recruits enlisted 573 were under 20, and 427 were over that age; and in 1870 the Returns from the three principal recruiting districts showed that the average was rather less, and that for every 1,000 enlisted 570 were under 20 years of age, and 430 over, so that a considerable proportion of those enlisted were over 20 years of age. A noble Earl who had left the House (Earl De-La-Warr) had commented in very strong terms upon the vacillating conduct of the Administration; but in his remarks upon this subject, as well as on the recruiting orders and on the state of the Army, in no single instance had he adduced any proof in support of his statements. In point of fact, it stood to reason that whatever effect the regulations with regard to short service might have some six years hence, they could have had no effect upon the Army as yet beyond that caused by the immediate admission into the Army Reserve of the small number of men lately permitted to leave the Army. Excluding

the household cavalry, our Army consisted of 175,410 non-commissioned officers and men, and of those 33,797 were under 20 years of age, 18,614 only being under 19 years of age; so that it was a monstrous, and, he believed, mischievous exaggeration to say that our Army was composed of mere striplings, and that anything that had been done had affected the age and the quality of the British soldier. And what was the present state of the Army as compared with its former condition? Before the limited enlistment Act was passed, in 1846, the number of recruits under 20 years of age was 177 in 1,000; now the proportion was only slightly increased, the number being 212 per 1,000. He could not help feeling surprised at the charges which had been made against the Government of having been guilty of a breach of faith, because it had always been intended, and was so still, that every battalion should contain a considerable number of old soldiers; though how that was to be effected was, of course, a matter of administrative detail. The enlistment in the infantry being for six years, it was intended that a sufficient number of men of good character should be allowed to re-engage and serve on for pension, and so supply that number of non-commissioned officers and old soldiers admitted by all to be necessary for the proper constitution of the *cadres* of the Army. In the time of the Crimean War, they were obliged to complete their regiments by recruits from other regiments; but when the short service system came fully into operation in time of war the men who had formerly served in a regiment would be brought back to the colours, with this advantage, that they would be stronger and more fit for service than recruits could be.

VISCOUNT MELVILLE: You would never be able to find them.

LORD NORTHBROOK: Though they might possibly not be able to find some of them, he had such a good opinion of his countrymen that he believed the vast majority would fulfil the engagements into which they had entered. The noble Lord evidently believed this to be nothing more than a paper Reserve.

VISCOUNT MELVILLE: So it is.

LORD NORTHBROOK: But did the noble Lord believe the Pensioners to be a mere paper Reserve? There was no difficulty in finding them out, for they had

to appear to receive their money, and the difficulty in this case would not be greater. So much had been said about the danger of sending young men out to India, that he might, perhaps, allude for a moment to this portion of the subject, with a view to re-assuring the public mind, and to show that there had been no grave negligence on the part of the authorities. In 1859 a Royal Commission appointed to consider the sanitary condition of the Army in India, reported that the mortality among the troops in the service both of Her Majesty and the Company, exclusive of the losses in war, amounted to not less than 60 per 1,000. That rate of mortality had decreased in the most striking manner, and might be safely said to be now not more than half of what then prevailed. Between 1860 and 1868 it was only 27 per 1,000, although in 1869, owing to an outbreak of cholera, the proportion rose to 37 per 1,000. It had been proved to be a fallacy that men became acclimatized to India by long service. For India, the best length of service was five or six years. The best course was that men should be sent out well fed and trained and thoroughly effective, and leave India at the expiration of that term. The manner in which regiments intended for service in India would be filled up to the proper standard was a matter of detail with which he need hardly trouble their Lordships; but, evidently, with 60,000 infantry in this country, no serious disorganization could result from drafting the necessary number of men. As the result of the Act of last Session they had now 8,000 men enlisted for general service, and capable, therefore, of being transferred from one battalion to another; but even greater elasticity must be given to the system before the foreign reliefs could be satisfactorily carried out. As to the apprehensions which had been expressed about not getting men to enlist for short service, he might state that a comparison of the seven weeks which had followed the issue of the Circular of the 5th of May as to short enlistment, with the seven weeks which preceded the issue of that Circular, showed an increase both in the total number of recruits and in the proportion entering for short service. The fear entertained that men leaving the Army would be unable to

Lord Northbrook

obtain employment had likewise, he was happy to say, proved unfounded. He believed, on the contrary, that a man of good conduct obtained employment more readily from having been in the Army; and in support of this opinion the fact might be mentioned that, although favourable terms had been offered to soldiers who had served for 10 years, and were desirous of re-enlisting, only 160 men had closed with this offer during the last eight months, though General Edwards fully expected that 2,000 or 3,000 of these men would have come forward. Obviously, a man who had only been six years in the Army would have less difficulty in obtaining civil employment than a man who had been for 10 years with the colours. The state of the Reserve, he confessed, was not yet such as it should be; but still the first class Army Reserve, which in 1869 only numbered 1,000 men, would have increased to 6,000 or 7,000 as soon as those who were now allowed to leave the Army joined the first class Reserve. As to the Militia Reserve, he was glad to say that the Militiamen had volunteered into the Militia Reserve in very fair numbers. It was of great importance that the men should be enrolled so as to be ready in time of war, instead of their having to scramble for men when that time arrived, as was the case in the Crimean War and the Indian Mutiny. They then had to raise the bounty one day and offer commissions another, and a constant stream of Circulars had to be issued before the men could be induced to join the Army. The quality of the Militia Reserve men differed considerably in different regiments, but there could be no doubt that the force would become a valuable auxiliary. It was a mistake to suppose that there was any distinct civil branch at the War Office which could interfere with the discipline of the Army Reserve, and the illustrious Duke (the Duke of Cambridge) gave his support the other day, in a speech delivered in the House, to the measures of the Government for recruiting; so that no arguments could be based upon any supposed divergence of views at the Horse Guards. As to field artillery, he maintained that our peace establishment was very nearly as strong in that respect as the war establishment of the Prussian artillery. The Govern-

ment had thought it their duty to profit by the example of the Prussian military system, which had proved so successful, and the organization of the artillery had proceeded on the recommendation of distinguished officers and with the approval of the Commander-in-Chief. The number of guns had been doubled, and there was now field artillery sufficient for a force of 150,000 men. The Government desired to see recruiting make progress, and there was reason to believe that the field had not been fully worked. Inquiries had recently been instituted, and the impression he had derived from the replies—which had not yet been fully considered—was that the recruiting system might be so extended as to bring into the Army a greater supply of recruits from the agricultural population. The subject had been taken up by the Secretary of State, who would endeavour to the best of his ability to secure the efficiency of the Army Reserve and to improve the condition of the British soldier. With reference to the Returns moved for by the noble and gallant Lord, there was no objection to furnish them; but with regard to one of them the Return would be *nil*, for he was informed by the Adjutant-General that there had been no Correspondence with the commanding officers of regiments in reference to the youth of the soldiers enlisted during the last three years.

LORD STRATHNAIRN explained that the effect of what he had said in reference to the Duke of Cambridge had been misapprehended—that he had not alluded to a speech made by the illustrious Duke the other day, but to one made by him last year, when he stated that he would support the second reading of the Short Service Act without pension, on the understanding that it should run *pari passu* with the Long Service Act with pension, a declaration to which more than one noble Lord could testify, although disregarded by the War Office.

LORD NORTHBROOK said, he was not in a position to answer with respect to the speech of the illustrious Duke, and if there was any question as to its construction proper Notice should have been given.

THE DUKE OF ARGYLL said, he had heard the speech referred to, and he did

not believe that it would bear the interpretation which the noble and gallant Lord had put on it.

Motion agreed to.

House adjourned at Ten o'clock,
'till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 3rd July, 1871.

MINUTES.]—NEW WRIT ISSUED—*For* County Monaghan, v. Charles Powell Leslie, esquire, deceased.

SELECT COMMITTEE—Thames Embankment, nominated.

Report—Poor Law (Scotland) [No. 329].

PUBLIC BILLS—*Resolution in Committee—Ordered*—*First Reading*—Merchant Shipping Acts Amendment * [221].

Ordered—First Reading—Lunatics (Ireland) * [222].

Second Reading—Local Government (Ireland) * [185]; Election Commissioners Expenses * [220].

Committee—*Report*—Railway Regulation Amendment * [185]; Bankruptcy Disqualification * [168]; Public Libraries (Scotland) Act (1867) Amendment * [209]; Local Government Supplemental (No. 4) (*re-comm.*) * [187].

Third Reading—Army Regulation * [39]; Promissory Oaths * [169]; Primitive Wesleyan Methodist Society of Ireland Regulation * [148], and passed.

TICHBORNE v. LUSHINGTON.

QUESTION.

MR. OSBORNE asked the Secretary of State for the Home Department, Whether, having regard to the exceptional magnitude of the case Tichborne v. Lushington, now being tried before the Lord Chief Justice of Common Pleas, and the advanced age of several very important witnesses, and in consideration of the opinion given, and the regret expressed by the learned Judge on the 20th instant, that a legal disability would prevent the possibility of the Court of Common Pleas continuing that trial after the 10th of August next, whether he has considered if the ends of justice might not be advanced by the introduction of a Bill to authorize that court to sit if necessary during the Long Vacation until the conclusion of the trial; and, whether Her Majesty's Government is prepared to introduce such a Bill, or if introduced by a private Member, to support it?

MR. BRUCE: Sir, the Government have been in communication with the

The Duke of Argyll

learned Judge who presides over the trial, and the Lord Chancellor, towards the end of last week, requested the opinion of the Chief Justice as to whether it was necessary an Act of Parliament should be passed in order to enable the Court to sit during the Long Vacation. The Chief Justice wrote an answer to the Lord Chancellor which the learned Judge asked me to read in substance to the House. He says—

"That he was fully sensible of the evils which might probably arise from the adjournment of the Tichborne trial, adding that if the parties were desirous it should be continued during the vacation, he would be prepared to sacrifice his own rest and comfort in this respect, as he had already done in other things, and to continue sitting as long as his health would permit. Not only, however, had no such wish been expressed to him on behalf of either party, but the counsel who represented them had most unequivocally stated their wishes to the contrary. Unless they and the jury were willing to concur it would be impracticable to continue sitting, and therefore it seemed to him (the Lord Chief Justice) practically useless to attempt the special legislation which the Lord Chancellor proposed in this case. The Lord Chief Justice added that his health had already given way under the pressure of the case, and that it was only the care of his physician which enabled him for the present to bear the continued strain and exhaustion of this protracted trial, and after having been at work almost continuously since the 2nd of November, and given up for this case his few days' rest at Whitsuntide, he felt that there was little probability of his being physically able to continue sitting for any lengthened further period."

On Saturday last I wrote to the Chief Justice, referring to the statement which appeared in the paper with reference to the power of the Government to make arrangements to enable his Lordship to continue his sitting from the 10th of July to the 10th of August, which, of course, would require no Act of Parliament. The Chief Justice addressed to me a letter, which he has also requested me to read to the House. He says—

"In answer to your letter of yesterday, which did not reach me until late last evening, I beg to state that if there had been the slightest prospect of the Tichborne trial being concluded by my remaining in London instead of going to the assizes, or if there had been any other sufficient grounds, and an application had been made to me by the counsel to continue sitting during the period of the circuit, I should not have hesitated to have submitted the matter for your consideration. It would then have rested with you to determine whether you thought it right under the circumstances that some arrangements should be made by which I should be relieved from the circuit and fresh commissions should be issued for some other Judge or a Commissioner to take the assizes in my place. Of course, I should not have ventured to make such an application to

you except upon the strongest grounds, involving, as it would have done, much trouble and expense, as well as throwing my work upon some one else, and also involving the necessity of the Government providing for the expenses of the circuit, which would probably not be much less than £300. Having ascertained, however, that there was no chance of the trial being concluded by such a course being adopted, and the counsel representing both parties to the cause having distinctly stated that they desired the adjournment to take place about the 10th of this month, the adjournment was fixed for that time, and with the concurrence of the jury. I feel that I have no other course to pursue than to carry out that arrangement, and I have, therefore, not made, and do not now make, any application to you, or express any desire upon the subject. I may add, that if all the parties interested, including the litigants, their counsel, and the jury, were now desirous of having the arrangement altered, and you were willing to make the necessary arrangements for supplying my place upon the circuit, I should be prepared to endeavour, as far as my strength would permit, to carry out any fresh arrangement that might be agreed upon, and quite regardless of my own personal comfort and convenience; but I have received no intimation whatever of such a general concurrence that would justify me in making an application to you, or in attempting to alter the arrangements which have been made with the consent and, indeed, upon the application, of the counsel for both parties."

Under the circumstances, the Government are of opinion that no legal obstruction should, either in this or any similar case, be allowed to interrupt the progress of a trial involving enormous cost and inconvenience. A Bill will therefore be introduced repealing the 95th clause of the Common Law Procedure Act, 1854, to enable the superior Courts to appoint a sitting during the Long Vacation from the 10th of August to the 24th of October.

NAVY—FITTING OF IRON-CLAD VESSELS. QUESTION.

MR. J. D. LEWIS asked the First Lord of the Admiralty, Whether it is the fact that all Her Majesty's Broad-side Ironclads, powerful Cruizers, and new Gunboats, carrying armour-plate piercing guns of 9, 12½, 18, and 25 tons weight, are either provided with Captain Scott's new pattern carriages and gear or have the old gun-carriages worked by his machinery, and that this machinery is also fitted in all Turret ships; and, whether it is true that a sum of £2,000 has been offered by Government to Captain Scott, as a full reward for these inventions and his services in carrying them into execution,

and that sum has been declined by Captain Scott, on the ground that it does not represent more than a portion of the outlay which he has incurred in carrying out his experiments and perfecting his inventions; and, if so, whether Government intends to take any further steps for the purpose of investigating Captain Scott's claims to compensation?

MR. GOSCHEN: Sir, Captain Scott did not design the service pattern of gun carriage and slide which has been adopted in the Navy for guns up to and including the 9-inch gun of 12 tons; but the running in and training gear of the carriages and slides for guns of 9 tons, and above that weight, were designed by him; he did design the carriages and slides of the guns of 18 and 25 tons weight now mounted in the Navy, as well as for the guns to be mounted in the turret vessels now building. Captain Scott was attached to the Admiralty solely for the purpose of furthering in every way the efficient working of heavy guns, and while so employed he received the full pay of an officer of his rank and command money. The adoption of Captain Scott's designs has enabled heavy guns to be worked with ease, safety, and rapidity. Captain Scott having submitted for the favourable consideration of the Admiralty his claims for reward of his inventions in the working of heavy guns at sea, they were referred to a Sub-Committee of the Ordnance Council, to which one or two naval officers were specially added, for the consideration of Captain Scott's claims. The Secretary of State for War concurred in this course. The various mechanical contrivances or improvements for which Captain Scott claimed reward, having been placed by him in writing distinctly before the Committee, each item was carefully considered with the assistance of all the official Papers bearing on the subject, and, after careful examination, the Committee recommended that a sum of £2,000 should be awarded to Captain Scott. The award was made by professional men, and was not in any way controlled or curtailed by the Lords of the Treasury, or by any financial authority. It is true that in a letter of the 23rd of June last Captain Scott declined to receive this amount as a full reward for these inventions and his services in carrying them into execution, on the ground that it does not represent more than a portion of the outlay which he

has incurred in carrying out his experiments and perfecting his inventions. Captain Scott will be asked to state the extent of the outlay, the dates of such outlay, and the circumstances under which it was incurred. That statement will then be investigated with the assistance of the members of the Committee to whom his claims were referred.

SECRET SERVICE MONEY.—QUESTION.

MR. RYLANDS asked the Under Secretary of State for Foreign Affairs, If he can now give an assurance to the House that no portion of the Secret Service money has been applied during recent years to the payment of salaries or additions to salaries or pensions to persons connected with the Foreign Office and the Diplomatic and Consular Services?

VISCOUNT ENFIELD: I must inform the hon. Gentleman, in reply to his Question, that, according to the invariable practice, I can give no answer as to the disposition of the Secret Service money.

EDUCATION—NATIONAL SCHOOLS. QUESTION.

MR. WELBY asked the Vice President of the Committee of Council on Education, Whether the ten square feet per scholar on which the Return to the Address of 28th April, 1871 (Elementary Education, Civil Parishes) is calculated, is to be regarded as the rate of accommodation which will for the future be required in schools by the Education Department?

MR. W. E. FORSTER, in reply, said, he would refer the hon. Gentleman to the conditions of the New Code, which stated that no school should receive an annual grant which had not a space 8 feet square for each scholar and 80 cubical feet. Ten feet were mentioned in the statement, because it was well known that there were many schools throughout the country in which the rooms were low. As regarded the grant, all that would be required was a space of 8 square feet and 80 cubic feet. No special plan was required to be adopted in order to obtain a building grant. Of course, if schools were manifestly unfit they would not be accepted, but no special plans were required.

Mr. Goschen

SPURIOUS TEA.—QUESTION.

MR. G. B. GREGORY asked the President of the Board of Trade, Whether his attention has been called to the importation of Spurious Tea; and, whether he has ascertained if the Law as it at present stands prevents such importation or provides for the summary condemnation of such tea; and, if it does not, whether he is prepared to propose legislation upon the subject?

MR. CHICHESTER FORTESCUE said, in reply, that he had lately received an important deputation on this subject from the sanitary authorities of the City of London, who explained to him the great abuses which occurred in the importation of those spurious teas. They exhibited to him various samples of a very remarkable character—one consisting of matter so decayed that it was offensive to the smell, and another sample containing such a quantity of iron filings that they were visible to the eye by the use of a magnet. He had since then inquired into the state of the law, and had reason to think that the Commissioners of Customs had no power to prevent these practices provided that the duty were duly paid. Whether it would be right to give the Commissioners of Customs such powers, which were beyond their usual functions, he was not prepared to say; but he was in communication with the Chancellor of the Exchequer upon the matter.

INDIAN ENGINEERING COLLEGE, COOPER'S HILL.—QUESTIONS.

MR. FAWCETT asked the Under Secretary of State for India, Whether the gentlemen who may succeed in passing the recent preliminary examination connected with the Indian Engineering College at Cooper's Hill will be permitted to continue their education in any manner and place they please; and, whether they will, when they present themselves for the final examination for appointments to the Indian Engineering Service, compete on equal terms with the gentlemen who may pursue their studies at Cooper's Hill College?

MR. GRANT DUFF: Sir, the competitive examination lately held has been for admission to the Civil Engineering College at Cooper's Hill. Candidates who, having obtained admission to the College at this competition, do not wish to enter the College, will not

be required to do so. As regards the second Question, students who, having entered the Cooper's Hill College, subsequently qualify for the public service, are guaranteed appointments in it, and persons who qualify for the public service without going through the College will also be guaranteed appointments. The two classes will not compete with each other; but the standard of qualification will be the same in each case.

MR. FAWCETT asked, Whether he understood that no difference would be made between other candidates and the students at Cooper's Hill as to the principles of examination?

MR. GRANT DUFF: None whatever.

METROPOLIS—ST. JAMES'S PARK.

QUESTION.

LORD ERNEST BRUCE asked the First Commissioner of Works, Whether it is true that the recent alterations in the drive across St. James's Park have cost the Country £1,500; whether all that has been done is the erection of about ten gas lamps, the repairing the existing road, the pulling down of a double pair of iron gates, the substitution of a couple of rough wooden bars, and the removal of a sentry box from one spot to another; and, if he will have any objection to lay before this House a full account of the manner in which this money has been spent; and, whether the Treasury have entirely approved of the above charge?

MR. AYRTON, in reply, said, this Question probably referred to the construction of a new road from the steps at the foot of the Duke of York's Column to Storey's Gate. That work embraced various items, and if the noble Lord desired to have all the details, and would be good enough to move that the tradesmen's bills should be laid upon the Table, he had no objection to the proposal, and the noble Lord would obtain every information. This kind of expenditure was carried on under a system which met the approval of the Treasury, and which he had no power to alter. As to the particular amount expended, of course the Treasury did not express any opinion respecting the details; but, inasmuch as this work was executed in accordance with the wishes generally entertained by the House, the Treasury gave the requisite official sanction for the work, which cost not £1,500, but £1,300.

NAVY—H.M.S. "AGINCOURT."

QUESTIONS.

SIR JAMES ELPHINSTONE asked the First Lord of the Admiralty, Whether a telegram has been received to the effect that the "Agincourt" has run ashore near Gibraltar, and that from the nature of the ground the vessel was in danger of being lost?

MR. GOSCHEN, in reply, said, it was with the deepest regret he was compelled to state that the report was substantially correct. The vessel ran aground on the Pearl Rock, about five miles from Gibraltar, in broad daylight. As to the cause of the accident no information had yet reached the Admiralty; but there appeared to be no doubt as to the fact, which had filled the Board of Admiralty with apprehension for the safety of the vessel, that the *Agincourt* had grounded in two places. The following telegram had been received at the Admiralty, announcing the disaster—

"*Agincourt* aground in two places on south-east part of shoal, abreast second mast starboard side, and under engine-room port side; outer skin of latter bilged; double bottom of compartment full; ship's draught at low water this morning, 27 feet 6 inches aft., 20 feet 6 inches forward. Everything being removed as fast as possible. Am very doubtful as to possibility of her being saved without cranes to lift her."

If any further information should arrive in the course of the evening, he would make it known to the House. He was afraid that the vessel must depend on local resources for aid, as it would take five days before assistance could be sent out from this country.

SIR JOHN HAY inquired whether the ship was under steam when the accident happened?

MR. GOSCHEN said, the telegram was silent on that point; but as the vessel had just left Gibraltar, and the accident occurred where the currents were very strong, the probability was that she was under steam.

ARMY REGULATION BILL.—[BILL 39.]

(Mr. Secretary Cardwell, Sir Henry Knight Storks, Captain Vivian, The Judge Advocate.)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(Mr. Cardwell.)

MR. GRAVES, in rising to move the following Resolution :—

"That the Bill for the better Regulation of the Army having been narrowed to an object which will entail on the country an ascertained expenditure of several millions, besides a large permanent charge of which no estimate has been submitted, this House is unwilling thus to add to the pressure of existing taxation by entering on a course of unknown expenditure ; and, declining to commit itself by premature action, awaits from Her Majesty's Government a mature and comprehensive scheme of Army Reform calculated to place the military system of the country on a sound and economical basis,"

said, he was well aware of the disadvantages under which he laboured in taking exception to a measure which had been so long discussed, and which now awaited its last stage ; but, whatever might be the result of the Amendment he was about to move, he felt it a matter of duty to raise a distinct discussion on the third reading of the Bill, especially in connection with the large expenditure involved. It was undoubtedly the custom to take the sense of the House as to the principle of a measure upon the second reading, but a practice had grown up of throwing overboard vital provisions in the course of the progress of a Bill, and unless that practice was checked, the result would be that the third reading of an important measure would be regarded as the crucial test. However that might be, he hoped to show the House that the present Bill had undergone a change of a most important character. As first introduced it had a twofold object—the abolition of purchase in the Army, and the re-organization of the Army. This latter object, which he ventured to say the country most prized, had been abandoned, and the Bill, in its present crude and naked condition, was simply a measure for the abolition of purchase, without the collateral scheme promised in the first instance, from which the country hoped to get an Army of a sound and reliable character. He asked, then, in simple commercial phrase, what was the measure now worth ? Would the House be satisfied to receive in Government coin 10s. in the pound, when by waiting another year, and carrying out the twofold object which the Government originally had in view, the country would receive 20s. in the pound in the shape of an Army ready for any emergency. He did not think he could better describe the objects of the Bill than by quoting the words of the right hon. Gentleman

himself in introducing it. The right hon. Gentleman the Secretary of State for War said—

"You will at any rate agree that we have not attempted to glide over the surface and propose some mere superficial and partial arrangements. We have done our best to deal with the principles that lie at the bottom of the service, to lay, if you should be pleased to approve of the measures, the firm foundation of a defensive force, which may be a perfect security to the country, not merely against danger, but against that which is scarcely less intolerable to the spirit and independence of Englishmen—the perpetually recurring apprehension of danger."—[3 *Hansard*, cciv. 368.]

The right hon. Gentleman the Chancellor of the Exchequer said—

"It is in the power of this House and of the country, if they are so minded, to take such measures as shall, I will not say prevent England from being invaded, but shall satisfy all who can judge that she cannot be invaded successfully. If that can be done, I can hardly imagine any sacrifice that it would not be worth while making upon purely financial considerations, because if we can satisfy people that this is the one spot in the world that is safe, and that will in all probability be free from the ravages of war, think how our credit will rise, think how our property will increase, what a predominance it gives us over other nations."—[3 *Hansard*, ccv. 1406.]

That was the language of the Chancellor of the Exchequer when obtaining the consent of the House to the Ways and Means for carrying out—not the abolition of purchase only, but the far greater object of the re-organization of the Army ; while the right hon. Gentleman the Prime Minister himself, on another occasion, intimated that the Bill was the practical application of the lessons of the Franco-Prussian War. Such was the intention, he believed, of the Government, and such was the object of the Bill when introduced. He (Mr. Graves), however, failed to see in what way the mere substitution of one system of promotion in the Army for another could raise their credit, increase their property, or give them predominance above other nations. He knew there had been an attempt made—he would not say to undo, but, at all events, to modify these pledges, so soon as it became desirable or necessary to cast aside that portion of the original Bill which was the object and end for which it was proposed to abolish purchase in the Army. But that attempt had not been successful. The avowed object of the Government, as stated by distinguished Members of the Cabinet, was not only to abolish purchase, but to bring about a scheme for the re-organi-

zation of the Army which would place it on a solid and economical basis. It might be urged in the course of the debate that the Government had only elected to go step by step in this matter, and that they had taken the first step in the direction of abolishing purchase, and in due time other steps would follow. If that were so, all he could say was that the first step was the most expensive one; and he should like to see something that would really add to the security of the country before the House finally passed this Bill. For himself, he would rather see the matter deferred, in order that they might have that comprehensive scheme before them which might probably loom in the future. He would ask if, after this Session had been occupied as it had been—after the vast expenditure that was proposed on the mere abolition of purchase, the country would be very anxious for more Army reform if that Bill was all that was now to be given. What the country had asked for was bread, but he maintained all that had been given in that measure was a stone. He would not trouble them with what was the whole scheme of the Bill as it was first placed before the House. The leading journal had so concisely put the objects of the Bill that he would read a short extract from it. On the 27th of March last *The Times* wrote as follows:—

"It may be as well, perhaps, to state again in plain words what this Bill will do for us, and what it will leave undone. It will give us an Army of Regular soldiers competent to encounter any invading force, the whole of this Army being so eminently organized and equipped that it can take the field at any moment. Practically, therefore, our available strength in this respect will be doubled, for, instead of putting only 50,000 men in line, we shall be able to put 100,000. The artillery in particular will be so largely increased that, instead of 180 field guns, we shall have 336, all horsed and manned. In support of this active force we shall have the auxiliary forces of the Militia and Volunteers. The Militia will be raised by an addition of 45,000 men to a total strength of 130,000, and the quality of the force will be improved by an extension of preliminary training as well as annual drill. Arrangements are made for the instruction of Militia and Volunteer officers at camps of exercise, and all establishments together will be so organized as to facilitate a flow of officers from one service to the other, and of soldiers from the active Army to the Reserve. . . . That, as regards immediate results, is a fair description of Mr. Cardwell's Bill."

He believed that was a fair description of what the Bill proposed when first in-

troduced to the House, and he now asked hon. Members to compare the Bill as it now stood with the description then given, and to bear in mind that the expenditure it involved had not been materially reduced. He was not going to defend the theory of purchase; but they must not forget what purchase had done for the country. Purchase had given the country officers whom it was not proposed by that Bill to get rid of—they would still remain officers of the British Army. If they were deficient in scientific or technical education, whose fault was it? Certainly not the fault of the officers, but of those who had fixed the standard of education, whether scientific or technical, and had laid down what should be the qualification of officers. The men were the same, the pluck was the same. He did not know any service in the world that was equal to their own service—certainly there was nothing superior to it. And so far as the regimental system was concerned, it had been described on both sides as worthy the admiration of the world. The Duke of Wellington said of the British troops—"They would go anywhere and do anything"—

"Nothing, he thought, could surpass, or, indeed, equal the British troops in the field; the sense of honour among officers existed in no other service to the same degree. He felt confidence when he put a detachment into a post that they would maintain it against any force until they dropped."

Sir John Burgoyne said—

"I would venture to assert that no Army in the world is better officered regimentally than that of Great Britain, and that in no respect would the abandonment of the purchase system tend to improve it. The impression that in proportion to the means possessed by an officer he can by purchase obtain promotion over the heads of his brother officers is an error; no officer obtains promotion by purchase without its being certified that he is worthy of it."

General Blumenthal, of the Prussian Army, said—

"I am in favour of a well-regulated system of purchase, which, I consider has worked wonderfully well in the British Army, and I would gladly see it introduced into the Prussian Army, if it was now possible; and I regret it is not so in consequence of its composition."

Their officers were the same men who led the Light Division in the Peninsular. There were, therefore, two sides to this question. It had at least not been shown that there was anything so bad or worthless in the purchase system as to involve the country in expending millions for its

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abolition. If he did not lay himself open to criticism in offering an opinion on a purely professional subject, he would state his belief that the deficiency did not lie so much in the officers as in those who governed them, and if there could only be found some device by which they could get the men to organize, there was no money the country would not willingly pay for Army organization. The want was in the power of comprehensive organization of the splendid materials placed in the hands of those who governed the Army. In saying this, he did not lay unnecessary stress on the present moment, for the same system had existed for years. During the discussions on this question, it had been frequently asked what was the scheme by which promotion in the British Army was to be regulated in place of what was abolished? No distinct answer had been given to that question. Certainly his mind was a perfect blank on the subject. He believed the simple truth was that no scheme had been prepared. Yet they were asked to pass a Bill for the abolition of purchase without at the same time considering the measures by which promotion should in future be governed. Of late, unworthy attempts had been made to prejudice in public estimation that distinguished officer the Field Marshal Commanding-in-Chief; but it was an opinion entertained not only by himself, but by numbers of those whom he was in the habit of meeting—and particularly in Liverpool, that if there was one Department the management of which entitled it to confidence—which was free from outer pressure and from the influence of political intrigue, and which was above jobbery, it was that of the Commander-in-Chief; and he did not hesitate to say that if the office could be held always by its present occupant, his objection to the principle of selection would be very considerably diminished. Why was it that no scheme had been submitted as the substitute of that which was to be abolished? It must be that there was no scheme, and he believed there was none. The right hon. Gentleman the Secretary of State for War had said it was under the consideration of the most experienced officers of the Army. Again, he asked, why had not the House got it? It would have been much more business-like to have given them the

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scheme in its entirety rather than in a fragmentary manner. He now came to what he considered the *gravamen* of the whole question, and that was the expenditure to be incurred; and here, again, hon. Members were in the dark; they had frequently asked for an estimate, but in vain. Recently, in Liverpool, he was asked what would be the cost of the scheme? and he had to reply he could not tell whether it would be £20,000,000, £40,000,000, or £50,000,000. He was then asked—"Would hon. Members of the House of Commons, if the money was their own, embark in such an undertaking without counting the cost?" He replied, with some humiliation—"I think they would not;" and the rejoinder he received was—"If men in commercial life were to undertake extensive operations without counting the cost they would be considered reckless men, who were entitled to neither confidence nor credit." In the absence of any authorized estimate of the cost, he was placed in the greatest difficulty, for he had no figures on which to base his argument. The Marines had a system of retirement, but as it had only been in operation for 18 months it was useless for the purpose of this calculation. The Dublin police, he found, had £500,000 charged in the Estimates, and a pension list of £100,000. According to a letter which had been forwarded to him—

"A new law about military pensions has just been made for the whole of Germany. The right to get a pension begins after 10 years' service, and the amount of the pension after this period is 20-80ths of the pay. It increases gradually year by year by 1-80ths, but this increasing ceases after 50 years' service, so that the highest amount of pension an officer could get would be 60-80ths of his pay."

The right hon. and gallant Member for South Shropshire (Sir Percy Herbert), basing his calculation upon the retiring scheme of the Navy, estimated that the new system in the Army would cost them £2,000,000 a-year in perpetuity; the hon. and gallant Member for East Somerset (Major Allen), taking the Artillery as his basis, put the cost down at £1,000,000 a-year; the hon. Member for the Border Burghs (Mr. Trevelyan) put the amount of cost down at £500,000; and striking an average of these, and capitalizing it, he arrived at £30,000,000, in addition to the £8,000,000 assumed by the Government as the cost of mere abolition, thus making an expenditure

of £38,000,000, and for what? For the substitution of one system of promotion for another. The figures were quite high enough to startle the country; and the change would inevitably involve an increase of pay and the placing of the infantry on a level with the non-purchase corps—the Engineers and the Artillery; so that he was abundantly justified in saying in his Resolution that they were asked to enter upon an unknown expenditure; and it was because he felt this so strongly that he interposed in the hope of obtaining a re-consideration of that measure. If the cost of the change had been spread over a long series of years, that would have mitigated the pressure on the country; but as it was the burden would fall chiefly upon those who paid income tax, and Lancashire contributed from one-eighth to one-ninth of the total amount of that tax. That was one reason why he had taken up the matter at that stage, for if the Bill passed in its present stage its operation in Lancashire would be felt as an injustice, as they would naturally conclude that they were required to pay one-eighth or one-ninth of the sum required as compensation, payable on the abolition of purchase in the Army. At first it was not designed by the promoters of the change that the cost of it should fall on current taxation; for in his pamphlet on *The British Army in 1868*, Sir Charles Trevelyan said—

“Whatever the amount of the compensation may be, it ought not to be exclusively charged to the existing taxpayers. The compensation is the arrear caused by the neglect of past generations, who have thrown upon military officers the burden of providing their own retirements, and all future generations will participate in the benefits of the organic change by which this defect in the constitution of the Army will be remedied. Equity, therefore, requires that, while the current expenses of the revised system should be defrayed by annual grants of Parliament, the cost of making the change should, like the expenses of the fortifications, be spread over a considerable period.”

If that suggestion had been acted upon, which it had not, his objection to the measure would have been very considerably modified. He took exception to it, further, on the ground of want of pressure from without. There had been a solitary Petition in favour of it, and 258 against it, and it could not, therefore, be said there was any outside demand for the Bill. One result of passing it would be a very serious addition to the taxation

of the country, especially in the large towns, every one of which felt the burden of poor rates and local rates more than the rural districts. The trade of the country, especially in Lancashire, was not in an unusually prosperous condition. He believed that in the course of a few years the Army would involve an expense which would produce such irritation that there would be a general demand for its reduction. Now, everybody knew that reduction of the Army meant reduction of the effectives. The right hon. Gentleman the Secretary of State for War put, on a former occasion, three questions in connection with this Bill. The right hon. Gentleman said—

“Does it provide the best regulations that can be devised; does it insure that our land forces should be welded into one homogeneous organization; and does it secure such an organization that in case of danger the whole force can be mobilized on a war footing with rapidity? Unless it does that, it does not meet the requirements of the day, and we should be failing in our duty if we let this opportunity pass without placing the nation in such a state of defence as the nation calls for.”

If he were to speak till midnight, he could not state more distinctly or more concisely the requirements of the country. On that statement, therefore, he should base the appeal he was about to make to the House. He trusted the House would agree with him that it was desirable the Government should take back the Bill. That was not an agreeable proposal to make to a Cabinet Minister; but he firmly believed that if the measure were passed in its present form it would be satisfactory neither to Her Majesty's Government, to that House, nor to the country. He trusted that before the Bill was sent to “another place,” it would assume a more practical form, as he did not see why some plan could not be devised to do justice to the officers individually without the wholesale expenditure which was proposed. The Bill had been brought into the House hurriedly, and had evidently not received proper consideration before it was introduced. He wished a scheme could be devised to place the military system of the country upon a sound and economical basis. To attain that object the country would refuse no money which would be required, and he urged the House and the Government to hold back this measure until its defects were rectified. In its present shape it would involve the country in an expenditure of millions,

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while it would afford the country no security against those apprehensions of danger which were so generally entertained. In conclusion the hon. Member begged to move the Resolution of which he had given notice.

MR. SEELY (*Nottingham*), on rising to second the Resolution, said, he believed the wishes of the people with regard to the Army were tolerably clear. They wanted to be made perfectly secure in their own homes, no matter how many men or how much money would be required to attain that object. In addition to that, they desired to have an Army of moderate numbers for service abroad. The case might arise where it would be the duty of the country to put forth its whole strength in foreign war; but the contingency was so remote that it was not the wish of the country to stand perpetually prepared with its whole strength for that object. Now, what did the Government propose with a view to carry out those sensible wishes on the part of the country? As far as he could gather the intentions of the Government from the Bill itself and the speeches of the right hon. Gentleman the Secretary of State for War, they proposed to give the country about 250,000 men available for foreign war, and a Militia of 150,000 men, who were to be divested as far as possible of all local associations and all local control. He said nothing about the Volunteers, because everybody knew that if they had anything like that force in England it would be impossible to hold the Volunteers together. No doubt, the Secretary of State for War contemplated the eventual abolition of that body, for he had distinctly stated that, in his opinion, unpaid service was bad service. Well, that Army of 250,000 men for foreign service was to be raised by the short service system, and the right hon. Gentleman stated that when the Government plans were completed there would be 178,000 men in the Reserve. At the same time, the House was informed that the present Estimates were exceptional ones, and that the whole Army expenditure would in the future be considerably reduced. If so, if they were to have that large Army of Reserve, it appeared to him that the Army with the colours must be reduced to at least 80,000 men, or otherwise all the talk on that side of the House about

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economy would be "moonshine." It was clear, indeed, that the Army with the colours must be greatly reduced if the Estimates were to remain at their present amount when this large reserve was formed. What class of men were they getting for the proposed Army? If they were getting respectable working men, many of his objections to the plan would be removed, though not all; but the truth was, that they were getting all the idle, restless, discontented good-for-nothing lads that could be found—the lowest class of the community. The Government intended to drill these lads for two or three years, and then to cast them loose on the streets with a retaining fee of 4*d.* a-day. Her Majesty's Ministers seemed to suppose that with short service they would get a better class of men than formerly. But he had some considerable knowledge of the working classes, and could assure the House that, as a fact, steady, respectable, hard-working men never dreamt for a moment of becoming soldiers. Indeed, it was preposterous to imagine that they would give up two or three of the best years of their lives, when they should be learning trades, in order to go soldiering, and that when they had left the colours and settled down with a wife and family, they would render themselves liable for 4*d.* a-day to go to the ends of the world at the bidding of the Secretary of State for War. There were, of course, exceptions to all rules, and he was speaking broadly when he said the only class they would get were idle, discontented, good-for-nothing lads. Among the objections to the plan of the Government one was that, supposing they wanted the men in the Reserve for the purposes of defence when the occasion would be sudden, it was possible that they would not be able to get them, or, at least, not the whole of them. It should be borne in mind that there was no resemblance between these men and the German Reserves. In Germany the whole population of a district of a certain age came out together to join their regiments; friends, relatives, and neighbours of all classes in society went out together. Here, however, the men were scattered all over the country, and what security was there that they would get them if they wanted them in a hurry? But, assuming that they did come, he should like to know how a regiment would be

constituted after it had been suddenly called together. Taking a battalion of 750 rank and file, 250 men would be with the colours and 500 men from the Reserve. Of these 250 men with the colours, they must take off at the very least 50 for the very rawest recruits, so that there were 200 trained soldiers only with the colours, and many of them of the immature age of 18 or 20. To these 200 soldiers 500 reserve men were to be added. Those men would be unknown to their officers, to their non-commissioned officers, or to their comrades, for from the nature of the English service where half the Army was abroad, they could not be attached to particular regiments. Was it possible to rely on such a force for immediate service? On that point, also, let a comparison be made with the German system, in which all classes of men served under officers and non-commissioned officers they knew; there men joined the regiments—he believed generally the same companies—in which they had been drilled, and, probably, their fathers before them had served in the same regiments. There they had a bond of union; one which would stand the shock of battle and the hardships of a campaign; but in these regiments of theirs what bond of union would they have? They would be a mere collection of men having some knowledge of drill, but destitute of those habits of obedience and sentiments of loyalty which constituted the difference between a good soldier and a bad. Nor should they forget, as the Census Returns showed would be more and more the case, that the bulk of these men would be from towns, unaccustomed to open air life, and unused to marching; so that two or three weeks' campaigning in wet weather would send half of them to the hospitals. But he was taking rather a sanguine view now. Look at the matter in another way. If they were to have 80,000 men with the colours, 20,000 of them would, at the first outbreak of war, if not there already, be sent to garrisons in the Mediterranean, China, Japan, or active service of some kind. Therefore they would have only 60,000 men at home, of whom 20,000 would be recruits. That would bring the number of trained soldiers down to 40,000, of whom some 20,000 at the very least must be taken off for artillery, cavalry, and the Control service. He did

not see, then, how they could have more than 15,000 or 20,000 reliable infantry out of the 80,000 men on the Estimates, and upon that number they were going to attach 150,000 from the Reserve. He might be wrong in his calculations; but what was to be done when there was nothing but reticence on the part of the War Office? He doubted whether these men would come out if summoned suddenly for the defence of the country, or that they would be worth very much if they did. One thing he had no doubt about—that they would be a social danger to this country, from which it had hitherto been free. Up to the present, riots and disturbances in England had been the smallest possible affairs. A few companies of infantry or squadrons of horse had been sufficient to disperse the most formidable assemblies. But how would the case be when their streets were full of disbanded troops, consisting of the lowest class of the people? How many of these men would be in London? The right hon. Gentleman the Secretary of State for War had made it a point of merit in his scheme that they would have 400,000 men in England who had passed through the Army, receiving no pay, in addition to the Reserve men. That would give on an average 60,000 in London; but as these men would naturally flow to the Metropolis, it would be a moderate estimate to make the number 100,000. This was a serious matter. People did not realize what an edged tool an Army was; it was a good servant, but a bad master. They had had years of unexampled prosperity, but they could not tell how soon they might have a succession of wet harvests and years of scarcity, of trial, and of trouble; and did hon. Gentlemen suppose that there would be no agitators to take advantage of that class thus made ready to their hands? Then in Ireland there would be 100,000 of these men, and there was no doubt whatever that the class of Irishmen from whom they would be drawn were profoundly disloyal to this country. They had only to recall the state of alarm they were in when, after the American War, a few disbanded soldiers straggled across the Atlantic, to understand what the feeling would be then. It was not pleasant to talk of these things, but they ought to be faced; and if a man thought danger would arise from this source, he

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was only doing his duty honestly to the State in saying so. When these difficulties arose, if they should ever arise, it would be then too late to draw back. They would have created a Frankenstein with which they would find it very difficult to deal. It might be said that Parliament was supreme, and that if it saw such difficulties imminent it would at once put a stop to this policy. It should be recollected, however, that all things would go on swimmingly on paper. Year after year the right hon. Gentleman the Secretary of State would say—"See how my short service system has succeeded. I have sent 40,000 men into the Reserves; I consequently knock off 10,000 men from the infantry." The right hon. Gentleman would probably go further, reduce the Militia, and abolish the Volunteers. Then, whenever the Estimates began to come down, and we were at peace, it would be impossible to attract the attention of Parliament to any subject connected with the Army. It might be said in reply to all this, that the old Army of England was composed of much the same sort of men. But in the old Army men passed their lives; they became imbued with the spirit of the Army, and its great and glorious traditions. But these lads we were now enlisting, it was proposed to keep just long enough to give them a knowledge of drill and then turn them off; and, though they might retain their knowledge of drill, they would probably lose those habits of obedience, discipline, and loyalty, without which an Army was a curse not a blessing. War was so remote from English ideas that it was difficult to get Englishmen to realise how grave a matter it was. But he would like to ask how the country would receive a proposition that the police, whom they provided for the protection of their homes, should be composed, not of steady, respectable men, but of lads of 18? The country would not listen to it for a moment. He did not think they could see the objections to any plan until they realized its good points. The advantage of the Government plan was that it would enable us to send 250,000 men on the Continent. Whenever they had been at war their great difficulty had been in getting men, and there was no doubt that, if they had time to get these men to their regiments, and under proper officers, the Government plan did give

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them the power to put 250,000 men into the field in case of foreign war. If the country wanted to undertake a foreign war on that scale a good deal was to be said for the plan. His impression was that the country did not want it. But he had two objections which went to the root of these proposals. One was that they tended directly to encourage a class of men whom it was the object of every well-wisher of his country to diminish—that class of idle restless men with a taste for soldiering, not for steady work. No greater injury could be inflicted upon a man than to give him a small certain income whether he worked or not, by means of which, and by getting a few odd jobs of work, he might eke out a miserable livelihood. That would do more to demoralize the people than all the Education Bills in the world could do to improve them. His next objection was one to which he would ask the attention of the Prime Minister, for he believed he owed his great power in the country more to his being believed to be a man of generous sentiments, not wrapped up in red tape, than even to his eloquence or his abilities. The objection was that by the law not only of England, but of every civilized country, a man under age could not bind himself for future years. Yet, in this case, it was, according to the right hon. and gallant Gentleman the Surveyor General, an essential part of the Government plan to take lads under 21 years old; to catch them when they had no home, were out of work, and perhaps destitute of food, and to bind them to one of the most serious obligations into which a man could enter. Was that right? The Government, as well as every hon. Member, knew that it was not, and such a military system, founded as it was on what was morally wrong, could not last. The House ought not to forget how that question might be looked at by the poor. When a rich man's son got into a scrape he was apt to borrow money; but the law had made that illegal, and nothing that he signed was of any value. If a similar thing happened to the son of a poor man he was apt to enlist, and the Government bound him to an obligation enforced even by the penalty of death. The Government might think their military policy was popular with the country, and no doubt it would be so long as public attention

was attracted by the glittering bait of the abolition of purchase; and before concluding his remarks he must say a few words upon that subject. He objected to this Bill because, while it was both just and generous to the higher officers of the Army, it was not even just to the lower ones; it was just to the colonel who was leaving the service, but not to the ensign who was entering it. The Government had taken £450 from a number of young men practically on the distinct understanding that by payment of money they could procure higher rank as far as they pleased; and to alter that arrangement, but to keep the money, was not right. He was not at all sure that something might not be said in favour of a claim on the part of those young officers to be paid something over what they had given for their commissions, as compensation for breach of agreement; but, in any case, it was clear that they were entitled to have their money returned. Assuming, however the Bill to be just, was it wise now, when there were so many difficulties in reference to the Army, to alter the system of officering, which was the only part of the system that had never been found inefficient? The test of an Army was war, and he appealed to hon. Members whether it had not been always felt that whatever trials the Army had to undergo, that which skill, valour, and discipline could accomplish would be achieved by the officers of the English Army? After the Crimean War a Committee of that House, presided over by the then hon. Member for Sheffield (Mr. Roebuck) inquired with the utmost scrutiny into their military arrangements during that war, and every part of them was condemned, with the exception of the work of the regimental officers. In the Report made by that Committee there was not a word said against those officers, but, on the contrary, most distinct testimony was borne to their having performed their duty in a highly satisfactory manner. With reference to that Committee he had looked through their Report with reference to the Guards, thinking that as regarded that branch of the service he would be sure to find something against the purchase system; for, whatever might be its evils, he knew they would be found in their most intensified form in regiments that were officered by men who belonged

to the upper classes and possessed considerable wealth. What did he find? One witness stated that the Guards were better off than many other regiments, owing to the attention of the officers, and he explained that he thought it was so principally because the officers being men of fortune did not spare anything to get provisions for their men, but frequently went down to Balaklava themselves to obtain soups, preserves, and wine from the hospitals whenever such articles could be obtained, and they did not mind what price they paid for them. That was all he found against the Guards. In the Report of that Committee was also to be found the model for their future system of promotion in the Army. Of all the branches of the service that miserably failed, the Commissariat was the worst: it starved their soldiers and squandered their money; yet gentlemen in high position in that department maintained that it was as nearly perfect as anything could well be. Those officers were promoted by what was then called "a mixed system of seniority and merit," or what was now termed "seniority tempered by selection." That was the system on which the Government now proposed to officer the combatant branches of the Army. In theory it was perfect, but all must remember its miserable failings in practice—how the soldiers were left without bread because an officer had signed his name an inch or two lower than the regulation place; how the troops had green coffee served out to them; and how the horses had to eat each other's tails. The theorists of that day said, as those of this time did—"Never mind how it works practically; the system is right, for it is founded on reason. It is seniority tempered by selection." None could defend the purchase system in theory, and all would be glad to see its abolition if that could be effected without disadvantage to the service; but it was not common sense to destroy the only part of their Army which had always been efficient at a time when the whole subject was surrounded by great and grave difficulties. The House ought not to forget that the purchase system had always given the country plenty of good officers, and before an alteration was made it would be wise to obtain a sound and reliable Army for the new officers to command. He objected to the Bill as

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ill-timed, but still more because, if passed, the country would consider the Army question settled, and it would be impossible again for many years to attract public attention to the subject. The principal military adviser of the Government said that they were organizing defeat, and to that he would add that they were also organizing the embarrassment of their finances, riot in their towns, the most serious danger in Ireland, and the demoralization of the people.

Amendment proposed,

To leave out from the word "Bill" to the end of the Question, in order to add the words "having been narrowed to an object which will entail on the Country an ascertained expenditure of several millions, besides a large permanent charge of which no estimate has been submitted, this House is unwilling thus to add to the pressure of existing taxation by entering on a course of unknown expenditure; and, declining to commit itself by premature action, awaits from Her Majesty's Government a mature and comprehensive scheme of Army Reform calculated to place the military system of the Country on a sound and economical basis."

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. TREVELYAN said, the hon. Member who had just sat down (Mr. Seely) had made a most interesting speech, though he did not think the occasion quite suited for it, seeing that every shred of reference to the short-service system had been eliminated from the Bill. The abolition of purchase was not the only important object of the measure, which, so far from entailing expense upon the country, gave it a chance of escaping from a military system, the practical effects of which were only equalled by the ruinous expenditure. In his opinion, not as critics of Ministerial policy, but as legislators, they would be very unwise to reject a Bill in which there was so much of good. The right hon. Gentleman the Secretary of State for War, in introducing the measure, had clearly described it as a Bill for the abolition of purchase, and for changing the position of the Lords Lieutenant with reference to the auxiliary forces. The right hon. Member for Buckinghamshire (Mr. Disraeli) had also spoken of it approvingly as a Bill to weld together the Regulars, the Militia, and the Volunteers into one force, adding

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that that was the first attempt to do so. When also a portion of the Bill was given up, the effect of which the right hon. Gentleman said was that if the provisions for welding together these three forces were withdrawn, the Bill ought then to be rejected, but not otherwise. Now, most useful provisions for the purpose contemplated by the right hon. Gentleman had been left in the Bill, not one important clause having reference to it being omitted; and, therefore, the Bill still deserved the support of the Friends of the Government, as well as those of the right hon. Gentleman. Independent Members ought to support the Bill, because it did all that a Bill could be expected to do for the re-organization of the Army, and was a weapon which, if properly employed by any Executive, would enable them to do that for which only a military system ought to exist—defend the country in a manner which would contrast favourably with their present military chaos both as regarded efficiency and expense. 11 out of the 17 clauses omitted referred to compulsory service in the Army and to the Ballot; and the noble Lord the Member for Haddingtonshire (Lord Elcho) said of those clauses that they were absolute waste paper, although they must, to a certain extent, have been inserted to conciliate him. Though, no doubt, the object of the Government was to make the Ballot more equitable, he (Mr. Trevelyan) disliked those clauses, and thought it injudicious to have encumbered a practical measure with a number of provisions which only came into operation under a remote contingency, and which could not have been allowed to pass without challenge, at least, by Liberal Members below the gangway. Another of the remaining clauses related to the power of the Secretary of State to make rules; but, surely, very little objection could be taken to its omission, for probably the right hon. Gentleman had the power he wanted already. Four other of the omitted clauses referred to the relations between the War Office and the local authorities as to providing accommodation for the Militia. Probably the withdrawal of those clauses had some reference to the Motion of the noble Lord the Member for Middlesex (Lord George Hamilton), which was defeated by a majority of only 2, and which showed the feeling of the House to be that when

responsibility was taken out of the hands of the county authorities the expense of providing for the Militia should be taken off county funds. Another clause which was left out was that which related to Army enlistment, but that was not so important as might be supposed. It was, indeed, little more than a *rechauffé* of the 2nd, 3rd, and 4th clauses of the Act of last year; the only change which it proposed being that the Secretary for War might be enabled to pass the men from the Army to the Reserve in less than three years, instead of having to wait for that period of time. These were the provisions which had been omitted from the Bill, and, although they were many, they were, he maintained, unimportant. In lightening the ship the Government had not thrown over any cargo, but merely ballast, and when they considered what the remaining clauses enabled the Government to effect, it was not fair to speak of the Bill as having been "narrowed" to the abolition of purchase in the Army. He did not, as some hon. Members seemed to do, look on the present as a lost Session. When he recollected how discussions in former years on Army affairs were confined to two or three hon. and right hon. Gentlemen on the Treasury bench, and to some five or six others sitting opposite to them, he thought there was much to congratulate the country on the interest which the subject now awakened, and which had resulted in such speeches from civilians as those which the House had heard from his hon. Friend the Member for Nottingham who had preceded him (Mr. Seely) and from the hon. Members for Finsbury (Mr. W. M. Torrens) and Hackney (Mr. Holms). If there was indifference out-of-doors on the question, it was because the people did not care to enter into the details of a system which they did not like; but if the Government gave them a national Militia to defend their shores—if they began to retrench, if they abolished sinecures, and hereafter gave the wages of industry only to those who worked, nothing more would be heard of the indifference to which he was referring. The hon. Member for Liverpool (Mr. Graves) in opposing the Bill tried to take advantage of the sentiments of economy which so widely prevailed; but when it was borne in mind that in 18 years they had spent £300,000,000 on their Army, and that

in those 18 years its cost had risen from £8,000,000 to £15,000,000, they ought to be glad of a change which would have the effect of diminishing so large an expenditure. As things at present stood, they had 125,000 soldiers, who received only £22 per man in the shape of pay, and if they included the non-commissioned officers, £28; while it cost £20 per man to command them. In that fact was to be found the real cause of the inordinate expense of their Army. In the Marines, which was a non-purchase corps, the cost of command was only £8 13s. per man, while in the purchase corps, as he had just stated, it was £20. All that was because they had 4 field marshals, 77 generals, 144 lieutenant generals, 345 major generals, 186 honorary colonelcies, besides 21 lucky individuals at the Horse Guards, who divided among them some £30,000 a-year. The hon. Member for Liverpool (Mr. Graves)—who now asked the House to vote against the Government on the score of economy—had had plenty of opportunities of voting against them on that ground in detail. The hon. Member, however, did not vote with those who called upon the Government not to create any more honorary colonelcies, nor with the hon. Member for Sheffield (Mr. Mundella), when he made his Motion relative to expenditure on their military system, nor with the hon. Member for Kidderminster (Mr. Lea), who moved that Army agents should be abolished, nor with the hon. Baronet the Member for Chelsea (Sir Charles Dilke), when he made a Motion having reference to certain reductions in connection with the Household Brigade. He, however, and almost every hon. Gentleman on the other side of the House, voted with the hon. and gallant Members for Bewdley (Colonel Anson) and Norwich (Sir William Russell), when they submitted proposals to the House which would have the effect of taking money out of the pockets of the taxpayers and placing it in those of the officers. The hon. Member for Liverpool, unconsciously he was sure, seemed to play into the hands of those who raised the cry of panic to prevent their military expenditure from being diminished, and who then raised the cry of economy to prevent the passing of the present measure. He might, in the next place, be permitted to make a few remarks on the

[Third Reading.]

comments which, during the last three or four months, had been passed on the course which he had taken in speaking on the question of Army Reform during the Recess. He would not attempt now, or at any other time, to retort upon those who passed those comments; because a great many phrases had been used which he felt sure those who used them would not like to see embodied in the pages of *Hansard*. It was, however, said repeatedly that both in that House and out of it he had always harped on only one string—which was purchase. Well, he could assure hon. Gentlemen that for every quarter of an hour he had in his speeches devoted to that question he had devoted at least three-quarters to the general system of the military organization of the country, although he looked upon the abolition of purchase as absolutely necessary as a preliminary to the establishment of any efficient system of that kind. The object which should be sought to be attained was to defend the shores of that country, to protect from attack India and the colonies, and to keep up their naval stations in order to preserve their naval supremacy. With respect to Canada, although positive as to the will to defend it, if attacked, he thought that they must make up their minds that they could not, at such a distance, defend its frontier of 1,500 miles. With regard to the expediency of carrying on a war on the Continent, he would observe that all animals chose the mode of fighting which was best suited to them, and nations perished when they neglected that primitive instinct, and endeavoured to carry on a sort of warfare which was not suited to them. It was very well to talk of Waterloo and Talavera, but by the use of locomotives Continental nations were enabled to bring their fighting power to any particular point, and any small British corps would be immediately swallowed up by the enormous armies which they levied. What this country should do was to keep the dominion of the seas, and if it joined in any Continental war it should only be by spending money in subsidies, according to the policy laid down by the greatest of War Ministers. The most successful wars were those fought under Marlborough and Chatham. In the case of the former it was astonishing to see how small was the contingent of English

Mr. Trevelyan

troops engaged in those battles. A remarkable illustration of what he said was furnished in the case of the Battle of Minden. The way in which we assisted Frederick the Great was by keeping the French occupied at sea with our fleet, and by spending large sums of money on subsidies. When we remembered the glories of Waterloo and Talavera we were apt to forget the Expedition to Elba, the disasters of Ostend, and the retreat of Corunna. He believed, therefore, that our military establishments ought to be absolutely limited to those required for home defence and the protection of India. He would quote a few words from an ancient author which he thought were extremely applicable at the present time. The quotation was the more justifiable from the fact that Cicero and Pliny had been relied upon as the great authorities against the Ballot. He referred to the words in which Pericles bade the Athenians remember that if they were islanders they would be impregnable; but not being so, and being powerful in their fleet, they ought to make themselves as nearly islanders as possible, by keeping themselves within the walls of their towns and retaliating only with their ships. Comparing the item of expenses, he could show that an Army of 190,000 men, employed both at home and on foreign service, would cost £11,900,000 a-year, while 130,000 Militia cost only £960,000. The Secretary of State endeavoured to introduce the system of shortservice; but it was not by adopting the short service system that this country could defend itself. There was only one means of doing so, and that was to have an Imperial Army not exceeding 85,000 strong, with 60,000 for service in India, the colonies, and in stations like Gibraltar and Malta; and to have also a home Army for service in this country. Their great difficulties were those of recruiting; but according to the best military authorities there was no difficulty in recruiting for India, nor was there, he assumed, much difficulty in recruiting for the Militia. They ought to have a citizen Army which should always stay at home, and then they would have no more panics. That citizen Army should be the Militia, which could be turned into a real Army of the greatest value, and which would defend the country far better than an Army of lads of 18 or 21 years of age,

or than an Army of mercenaries. There ought, of course, to be a small nucleus of Regular troops; but the great thing was to localize the forces. Each regiment of Militia ought to have its own homes, and then plenty of recruits would come forward. Another important thing was that these men should have continuous training at the beginning of their career; a fortnight, a month, or even two months, was not enough; they ought to have six months, though, as had been pointed out by the hon. and gallant Member for Dumfriesshire (Major Walker), that continuous training ought to be gradually arrived at. At the end of their training these men should choose, once for all, whether they would serve at home, or in the foreign Army, and there should be no after breaking up of the regiments of Militia to recruit the regiments of the Line. The Militia regiments should be like the Prussian Landwehr—a self-contained body of men, with local patriotism and regimental pride. The 8th clause of the Bill gave continuous training. Then, if the Militia were to be made a really valuable force it must be officered with professional officers, when it would soon become equal to any Line force. To do that, the appointment of officers in the Militia would have to be transferred from the Lords Lieutenant of counties to the Crown, and that object was attained by the 7th clause of the Bill. He thought he had proved that while the nation longed for a cheap national, citizen, and efficient Army, the present Bill enabled that requirement to be supplied. On the advantages of the abolition of purchase he would say nothing, having on a former occasion spoken at length on that subject. But after all the speeches of the hon. and gallant Members for Bewdley (Colonel Anson), Wigtonshire (Lord Garlies), and the right hon. and gallant Member for South Shropshire (Sir Percy Herbert), the question came to this—Was the nation to be master of its own servants? The question they had now to decide was, whether they should reject or pass this Bill. They were told to wait for a better Bill. On the other hand, reference was made to the Sibylline Books, which extraordinary fable proved the Romans to have been a constitutional people. They might get a Bill that would give less to the officers,

if that was what was meant by a better Bill; but he did not think they ought to reject this Bill in order to effect a small economy at the expense of their own servants. The measure would provide for the defence of the country, as well as at present, at two-thirds of the cost; and by this Bill they would also establish the principle which no theorist or amateur, but the greatest of modern soldiers made his watchword and the key to his success—*la carrière ouverte aux talens*—and furnish the tools to those who could use them.

COLONEL ANSON said, he would not follow the hon. Member for the Border Burghs (Mr. Trevelyan) into the figures he had used. He had dissected them on a former occasion, and his analysis had not yet been disproved. The hon. Member had drawn a comparison between the expenditure on the Marines and the officers of the Army; but he believed it might be shown that the cost of officering the infantry of the Line and the Royal Artillery was not more than the cost of officering the Marines. He would not go into the hon. Member's scheme of Army organization, but he could not forget that when he commenced his tour during the winter, the platform on which he based his scheme was the principle of applying compulsory service in the shape of the Ballot. [Mr. TREVELYAN: If necessary.] But the hon. Member, finding the suggestion was not popular, wisely dropped it. The hon. Member had misrepresented what he (Colonel Anson) had said in reference to officers exchanging with each other; all that he had said was that, as the privilege was exercised beneficially to the service, there was no reason why it should be denied in the future. Turning now to the Motion of the hon. Member for Liverpool (Mr. Graves), he wished to explain why he intended to vote for it, and why it was that he hoped that Bill would not be passed into law. There were two points of view from which the question could be regarded; and the Government, having obtained a majority for the abolition of purchase by attacking it as immoral, and resulting in inefficiency, now treated it simply as one of retirement, which made it ten times worse, as they did not give any estimate of what they expected the cost of retirement to be. The £8,000,000 for the abolition of purchase they spoke of as

compensation, but it was no such thing; the money would be given to officers to retire from the service, and for nothing else; and therefore this was only a portion of the cost of buying officers out of the Army. To him the matter appeared to be a very simple one; and he could not comprehend the difficulty of the Government in giving their estimate of the future cost of retirement. For their guidance there were the Returns of the Indian Army, in which retirement cost £850,000 a-year, and the cost of retirement in the non-combatant services; and at the same ratio for the total number of officers in their Army, the cost of a proper flow of promotion would be £1,200,000 a-year, which was the Government's estimate of its cost under purchase. They knew that for the last 50 years it had cost £7,500 to get a colonel, a major, or a captain out of the Army; in one way or another it would cost that in the future. The Secretary of State for War had guaranteed that the flow of promotion should be maintained as it had been hitherto; and that calculation gave also a yearly cost of £1,200,000. Therefore, to speak of spending only £10,000 in 1906 was attempting to mislead the House and the country. The abolition of purchase would cost £30,000,000 between this and 1906; and the country was not aware of the fact; it had been told that the change would effect a saving of £500,000 a-year, and therefore it ought to have an opportunity of considering the proposal of the Government in the Recess. When hon. Members were asked by their constituents what the country had got for its £30,000,000, would they have any better answer to give than had been given in the House? If not, they would not find their constituents so patient as hon. Members had been. He was at a loss to know on what ground hon. Members could justify their implicit confidence in the present War Office administration. The necessity of maintaining our Reserves was pressed on the right hon. Gentleman the Secretary of State for War, and he destroyed the front line in order to give a fictitious strength to the second, provoking protests but for which the exodus from the Army would have gone on until they had found themselves with nothing but boys in it. That the Government did not know at the time what they were doing could be

Colonel Anson

proved from a speech of Lord Northbrook on the subject. When this question was debated in "another place" Lord Northbrook said it was better to have temporary disorganization in their regiments at home than to send out boys to die in the climate of India; but surely the admission that temporary disorganization was possible showed that their system was faulty? Referring to a statement made by the right hon. and gallant Gentleman the Surveyor General of the Ordnance in the debate on the Motion introduced by the hon. and learned Member for Finsbury (Mr. W. M. Torrens), he said he had received a communication from Colonel Hawley to the effect that the recruits in the 4th battalion of the 60th Rifles were a very weedy lot. Being London lads they were quick to learn and active at drill, but though they had been well fed for 12 months the colonel believed it would be two years before they would be fit for active service in the field. Nor was there a single officer commanding a battalion that did not say the same thing—that our recruits were of a most miserable quality. In conclusion, he thought they had a perfect right to ask the Government to let them see what they were going to do; and therefore he hoped the Bill would never pass into law, because then there would be some chance of the Government bringing forward a good Army Bill next Session, placing our military forces in an efficient and economical position.

SIR HENRY STORKS said, he only rose for the purpose of making a few remarks on the speech of the hon. and gallant Member for Bewdley (Colonel Anson), which was more or less directed against the War Office and the persons employed therein. The hon. and gallant Member had stated that the War Office did not deserve the confidence of the country, either in respect to its present administration or anything it might do in the future. He entirely differed from the hon. and gallant Member. With regard to his allusion to the statement of his right hon. Friend the Secretary of State for War—namely, that £8,000,000 would be required for the purchase of commissions, he might mention that no reference whatever was made to retirement, because retirement had nothing to do with it. His right hon. Friend gave that merely as a cal-

ulation, and, therefore, instead of its being a statement not meriting the confidence of the House and the country, he held it to be a strictly accurate statement as far as his right hon. Friend could ascertain the facts upon actuarial authority. The hon. and gallant Member had also referred to the question of Reserves and to the General Order issued last March. In the remarks he (Sir Henry Storks) had the honour to address to the House on the occasion of the hon. and learned Member for Finsbury (Mr. W. M. Torrens) bringing forward his Motion with reference to the prevention of recruiting under a certain age, he referred to that General Order, which was issued because the infantry of the Line was so nearly complete that it would have become necessary to check recruiting. His right hon. Friend the Secretary of State for War, not thinking it desirable under any circumstances to check recruiting, desired the Commander-in-Chief to issue a General Order inquiring how many men in the infantry of the Line would be inclined to go into the Reserve. The number was limited. The total number who applied were 22 sergeants, 186 corporals, and 2,462 men. From the 1st battalion of the Rifle Brigade 115 men applied, but they were at that time 200 over their establishment. From the 4th battalion of the 60th 80 applications were received; but that battalion also was over its establishment. As regarded the recruiting, and the remark he had made touching Colonel Hawley's battalion, the Inspector General told the Secretary of State and himself that if the colonels raised any objections on the subject they were not made to him, or at his office. With respect to the 4th battalion of the 60th Rifles, he would point out that the men were recruits, and, judging even from Colonel Hawley's letter, he thought they were likely to make very good soldiers. [Colonel Anson: Yes, in course of time.] He (Sir Henry Storks) thought that the value of those men was put beyond doubt when the commanding officer of the regiment stated, that if he were asked whether he wished to be relieved of those men, his reply would be—"Certainly not." No doubt, if they could go on the system of compulsory service, they would not recruit men 18 years of age; but as they were obliged to enter the recruiting market they had, in fact, no choice. Then the hon. and gallant Member as-

serted that the Order of the 24th of March had been rescinded. That was not the case. On the contrary, his right hon. Friend the Secretary of State for War informed the Commander-in-Chief on the 6th of June that that Order was to be carried into effect. [Colonel Anson: The operation of the Order has been suspended.] He must deny that, and would repeat that on the 6th of June his right hon. Friend gave orders to the Commander-in-Chief that the General Order should be carried into effect. He held in his hand the most detailed instructions as to how these men were to be transferred, enrolled, mustered, and paid, and he maintained there was no fault to be found with those instructions. No more effectual mode of recovering men could, in his judgment, be devised than the system of monthly payments, which enabled the authorities always to know where the men were. The hon. and gallant Member also referred to certain remarks made by his noble Friend and Colleague the Under Secretary of State for War. If he had before him a copy of his noble Friend's speech he should be most happy to give an answer to the hon. and gallant Member, and he did not entertain the slightest doubt that it would be a satisfactory one; but, as he had not a copy of the speech, he was not in a position to say anything on the subject.

VISCOUNT ROYSTON said, he thought that whatever difference of opinion might exist in that House upon the Bill, all would agree that the time had come for the discussion to close. He felt, however, bound to express his strong feelings of apprehension in regard to the measure, and he could not but condemn the Government for not dividing their Bill in two, as had been suggested to them at the commencement of the Session. Now, there was nothing but an Abolition of Purchase Bill, and all the fair promises of the Government remained unfulfilled. Nothing whatever had been done in reference to Army organization; and he hoped the Bill would not pass into law, in order that the country might have an opportunity of expressing its opinion, and forcing the Government to do that which they originally held out to that House and to itself. The policy of the Government did not reflect the opinion of the body of the officers of the Army, whose

views should have been consulted, rather than those of a few officials of the War Office, who even differed among themselves. It was discovered that the scheme, the expense of which was put by the Government at £8,000,000, would actually cost the country over £30,000,000, and that money for that purpose would be coming year after year from the pockets of the taxpayers, who had no interest in the abolition of purchase. Under these circumstances the Motion of the hon. Member for Liverpool (Mr. Graves) was well-timed and just. He knew from what he had heard from his own constituents that there was very little feeling in the country on this question of purchase, and he considered that the Bill had been carried so far by a cheat, after what had been said on its introduction by the right hon. Gentleman. So far from conducing to the security of the country, it would lower the position of the Army. In an early part of the Session the right hon. Gentleman the Member for Morpeth (Sir George Grey) expressed an opinion that the expediency of abolishing purchase depended upon what was to be substituted for it, yet no substitute had been provided. Therefore upon all these points, with regard to its unfairness to both purchase and non-purchase officers, to the taxpayers of the country, to that House, and to the Members of the Government themselves, the Bill could not be considered satisfactory. No doubt the Government would say that the Session had been wasted by the Opposition; but he held that the course they had taken was fully justified by the obstinate manner in which the Government had refused to impart information. Whatever the results of the division that evening might be, he believed the country would really support the Resolution of the hon. Member for Liverpool. It would probably not be carried, however, because the "mechanical majority" could be brought to support and keep in the Government upon a vital question like that. But the constituencies, when they understood the true nature of the measure, would express grave displeasure. No one speaking on that question could do better than quote the Report of the Recruiting Commissioners in 1867, the concluding paragraph of which read thus—

Viscount Royston

"Recent events have taught us that we must not rely in future on having time for preparation. Wars will be sudden in their commencement and short in their duration, and woe to that country which is unprepared to defend itself against any contingency that may arise, or combinations that have been formed against it."

Since that was written they had had, in its confirmation, the sad experience of the war of last year; and if the Government had felt the urgency of making the country secure, they ought to have been able to produce a more useful measure than that.

Dr. BREWER said, he must ask why that Bill had been described as an absurd termination to the Session? It contained one of the most startling propositions presented on the subject of the Army during the lifetime of any hon. Member of that House, and it was not denied that, if made to depend upon its own reasons, that proposition could not be gainsaid, while it would lay a basis on which future re-organization of the Army could be imposed. Why should Government bring before that House a scheme for the re-organization of the Army? ["Hear, hear!"] Undoubtedly "hear, hear," and he hoped to show that he was right. The constitutional party found fault with the Bill, because it did not re-organize the Army. Now, he could not understand why the constitutional party should advance that argument, because the re-organization of the Army was a matter peculiarly constitutional, and particularly within the prerogative of the Crown; and if that prerogative were invaded, he was at a loss to know what prerogative could be safe. As a money question it was within the cognizance of that House; but when the money matter was no longer before that House, the re-construction of the Army was undoubtedly the privilege of the Sovereign; and the only means that that House safely and constitutionally had of exerting its real influence on the re-construction of the Army was by its accepting or rejecting these money Bills, without which it was impossible that any valuable re-construction could be carried out. Therefore, the position which hon. Gentlemen opposite had taken up was not consistent with constitutional government.

MAJOR ALLEN said, he would point out that the right hon. Gentleman the Secretary of State for War in introducing the Army Bill, had stated that promotion

would be much the same as in the preceding year; but on turning to the tables of the War Office actuary on promotion, which were laid before the Committee, he found that in the Line the purchase officers obtained their companies at 8½ years, and non-purchase officers in the Line obtained their companies at 10 years. Contrasting these with the statement of the hon. and gallant Gentleman opposite (Captain Vivian) that the normal rate of promotion in the Royal Artillery would be fairly realized in the Army on the non-purchase system, and with the actuary's tables, which showed that a subaltern would not obtain his rank of captain in the Royal Artillery in less than 16 years, he urged the right hon. Gentleman to state whether they were of one mind, and, if so, what his scheme of promotion really was. If the right hon. Gentleman had one scheme, and the hon. and gallant Gentleman had another scheme, it was impossible to come to any conclusion. On the question whether it was to be 10 years or 16 years would depend the amount required for the retirement scheme.

MR. MUNTZ said, he had listened with interest to the lucid speech of his hon. Friend the Member for Liverpool (Mr. Graves). To a certain extent he agreed, and to a certain extent he disagreed with him. His hon. Friend said he was opposed to the abolition of purchase, and in that he disagreed with him. He (Mr. Muntz) had long advocated the abolition of purchase; he had seen its evil effects, and he believed its abolition would be for the benefit of the Army. But he objected to the scheme of his right hon. Friend the Secretary of State for War, which he believed would be productive of a great deal of evil. The hon. Member for the Border Burghs (Mr. Trevelyan) had given them some valuable information, and he agreed with him that they should have an Imperial Army for India and the colonies; but he could not agree that they should trust the defence of the country at home to the Militia without any standing Army. The hon. Member had quoted Pericles in favour of his views; but he should remember that Pericles was followed by a very clever man, who disbanded the disciplined sea and land forces of Athens, and relied entirely on the spirit of the people. What was the result? One night the

Spartan fleet bore down when the Athenian ships were denuded of sailors, and the result was that the latter were annihilated. He did not want a large standing Army, but it must be efficient and well organized. It had been attempted to be shown that there was a tacit acquiescence in the system of over-regulation which amounted to virtual recognition, and the course taken by the right hon. Gentleman the Secretary of State for War in adopting the re-payment of over-regulation was justified by a law which was now obsolete. What was the fair inference of all this? That over-regulation had arisen from the neglect of His Royal Highness the Commander-in-Chief and the right hon. Gentleman the Secretary of State for War, and that they would be responsible entirely to the taxpayer for the extra amount. But he denied that inference. The War Office authorities said that if instances of paying over-regulation prices came before them they would punish the offenders; but the matter was so managed that such things never came under the notice of the authorities. A man sent a cheque for the amount to an Army agent to be placed to his account, with instructions that, when another officer was gazetted, the amount was to be transferred to his credit; and, under these circumstances, no lawyer could prove a case. Over-regulation was something which they could not prevent; but they ought not to have recognized it, and they might have ignored it. It was the same in the Army as in other ranks of life; there were many things which were wrong which never came under official cognizance. He believed that the abolition of purchase was essential to the welfare of the Army, though he disagreed with the way in which the Government proposed to abolish it. On an earlier occasion he had himself proposed a plan to meet the emergency, but the House rejected that plan by a majority of 65. They should simply have abolished the regulation price, and left the officers to understand that for the future they would stand upon a new footing. He still objected to the Bill, because it recognized and rewarded an illegal Act, and his answer to the assertion that the Act of 49 *Geo. III.* against it was "obsolete," was that "the law may slumber, but never dies," as the Judge told seven men who were transported at Dorchester

[Third Reading.]

some years ago for taking an illegal oath not to work for less than 6s. 6d. per week. He would refer, however, to the Mutiny Act, which was passed yearly, one section of which positively prohibited over-regulation prices, while others gave officers the power of inflicting imprisonment, flogging, and death on the rank and file. The measure under discussion condoned the offences of the officers, but did not say anything about relieving the rank and file of any of the punishments they were liable to for breaches of its enactments; and if the measure became law it would be said there was one mode of treatment for the officers and another for the soldiers; one for the rich and another for the poor.

Mr. BIRLEY said, that when this subject was recommended to them in the Speech from the Throne, there was good reason to hope that a measure would be submitted that would receive, at least, a fair share of general support. He believed that there was no great difference of opinion in that House or in the country as to what was required in the way of Army re-organization. There was no doubt that though the abolition of purchase loomed in the distance, yet the Government were influenced as much by the autumnal campaign of the hon. Member for the Border Burghs (Mr. Trevelyan) as by their own deliberate judgment. Nothing could have been more statesmanlike than the speech of the right hon. Gentleman the Secretary of State for War in introducing the measure; for he said that they should not deal with the question in a superficial or partial manner, but should endeavour to lay the foundations of a system that would for the future render the apprehension of danger a thing unknown. How great after that was the disappointment when they saw the actual Bill. They were quite prepared to deal with the abolition of purchase without prejudice, and to consider the interests of the country and of the service without omitting to consider the equitable interests of the officers. What did the country require in the way of Army re-organization? He believed that the country did not want a large, but that they did want an efficient Army. The country would be satisfied with an Army scarcely larger than a *corps d'armée* of some of the great military Powers, but that Army must be thoroughly equipped in every point. They had material for

Mr. Munts

their rank and file that was second to none in the world, and yet they found that the great blot upon the Army system was not in purchase, but in reference to recruiting. They should remember that there were two great questions involved in that measure—namely, the question of humanity, and the question of the service of the country, and the expenditure it entailed. They found that the recruits recently enlisted into their Army were mere boys and persons wholly unfitted for a campaign. They had no war party it was true; but if any serious emergency arose, in which the duty and the honour of England were involved, they would then see a large and powerful party, prepared at any cost, or at any sacrifice, to maintain the honour and dignity of the country. There was no knowing when or at what time a crisis of danger might arise—perhaps out of questions of commerce, or of apparently friendly negotiations. They had not as yet forgotten the Benedetti correspondence, or the Black Sea difficulty. Well, they ought to be prepared for such a contingency. The commencement of the Russian War found them unprepared. Should another war break out when they were unprepared, the Government of that country would find it much more difficult to obtain condonation than the Government that existed during the Crimean War. Then, again, let them look well into the cost of that measure. They had been told that the abolition of purchase would cost £8,000,000, but that it was impossible to state the probable cost of retirement, because their rulers had not the gift of prophecy. The Government, however, possessed the less superhuman quality—that was foresight—which ought to enable them to form an estimate of the probable cost of retirement. Besides, they had the non-purchase establishment and the Irish constabulary to guide them in forming an estimate. Speaking on behalf of a large constituency, he should support the views put forward by the hon. Member for Liverpool (Mr. Graves). The country had not yet spoken on the subject, and the silence of hon. Members below the gangway was significant on the point of purchase. If there were a difficulty in stating the cost of retirement, there was a still greater difficulty in estimating the future composition of the Army as regarded its officers. He certainly did not think that “the aboli-

tion of purchase and increased taxation" would be a popular cry to go to the country with. Many hon. Members deemed it almost impertinent for a Conservative to speak of economy; but his experience showed him there was not much difference between Conservatives and Liberals in that respect, except that the Liberal Leaders were more profuse than the Conservative Leaders in the professions of economy, while the Conservative taxpayers were more patient than the Liberals in bearing the burdens of taxation.

MR. MUNDELLA said, the idea of the hon. Member for Nottingham (Mr. Seely), that men who had been drilled, who had passed through the Army and entered the Reserve, would be nothing more than the scum of the population, and would become dangerous to the British Constitution, was simply ridiculous. He appealed to hon. Gentlemen whether their experience was not that men who had enlisted, whether in the Militia or any other service, were not made more orderly, more loyal, and better citizens by doing so? Hon. Members opposite said that they ought to imitate the Prussian system. Well, that was a system of selection for the officers, and of short service for the men. The hon. Member for Liverpool (Mr. Graves) had been very plaintive about the taxpayers, and it was remarkable that though the hon. Gentleman did not say a word on large items of taxation, he had a great deal to say upon small ones; but he (Mr. Mundella) must observe that in his conduct the hon. Member was only following the usual tactics of his hon. Friends on that side of the House, for they had systematically voted throughout the Session against every proposition tending to cut down the inordinate expenditure of the present day. They were, and had been for a long time, spending from £12,000,000 to £15,000,000 a-year on their Army with very unsatisfactory results, and the country would not endure such an expenditure much longer. They might get rid of this Bill, perhaps, in "another place;" but if the Bill were lost, over-regulation prices would be lost too; at all events, he would do his best to prevent them ever coming up again. Hon. Members opposite talked of indefinite expenditure; but did they know what the cost of the non-effective services was now? In 1866-7 there were 62,000 out-pensioners of Chelsea Hospital, and their pensions

amounted to £1,445,300. In 1871 the number of pensioners was 65,513, and the pensions amounted to £1,232,000. What would those pensions be 10 years hence in consequence of this much-vaunted long service system? Of the 65,000 pensioners of that year it was calculated by a fair actuary that 50,000 would probably be alive in 1881. Those pensions would amount to £2,046,000, which, added to the other cost of their non-effective service, would make it as great as was paid by Germany for 300,000 effective men. For his own part, he looked upon the abolition of purchase as being the key to the reform of their whole military system, and he trusted that during the Recess the Government would be able to show they were capable of re-organizing an Army. If a good Army could not be got for an expenditure of £10,000,000 or £12,000,000 a-year, it was high time they should change their rulers.

SIR MASSEY LOPES said, that as a civilian, he had not felt sufficiently conversant with all the details of this difficult question to justify his taking any part in the debate; but as one of the public he felt more interested in the estimated cost of the re-organization of the Army as a whole than in the amount of compensation due to individual members of it. The present Bill was remarkable when it was first introduced for being made up of two different parts, and for containing two different and distinct propositions, one of which was generally acceptable to that House and the country, while the other was generally unacceptable. In the present measure, as in some others, the Government had endeavoured to mingle bitter and sweet, but that House was asked to gulp down the black draught without being allowed to taste the jam after. Recent deplorable events on the Continent had convinced the country that their military organization was not efficient, and not able to maintain the national honour and security; and, therefore, the public were far more interested in the question of re-organization than they were in the question of purchase; and they demanded an efficient Army and reasonable Reserves, any reasonable cost for which they were quite willing to pay. But when the abolition of purchase was made the main object of the Government measure, and the question of organization became subsidiary, the country were

[Third Reading.]

anything but enthusiastic over it; and when, later on, the Government announced their intention of lightening the Bill by throwing overboard the most weighty, most important, and most popular part of it, there was a revulsion of feeling on the part of the public, and they began to count the cost. They began to ask what they were going to get for this enormous outlay; and if they made this inquiry when the Bill contained a scheme for improvement of Reserves, were they not likely to ask the same question more peremptorily when they were called upon to spend that amount for abolition of purchase alone, without any security for ulterior advantages? Abolish purchase, you must adopt the principle of selection—selection meant patronage; and he objected to confer such an amount of power and patronage on any Minister or any Government. Although, theoretically, the purchase system was indefensible, still it had worked well, and it should be borne in mind that they were a practical people and paid for results. The Government, in confining their Bill to its abolition, had, in more than one important item, eviscerated and emasculated their original scheme. Were they going to make mental acquirements the great desiderata in our officers? If so, they would make a great mistake, for pluck and blood were of equal importance. They knew that the officers of the Army had not only acted heroically themselves, but had succeeded in inspiring heroism in those whom they had commanded. No fault could really be found with the working of the system, and it was unquestionable that it facilitated retirement, and prevented partiality and favouritism. The hon. Member for Liverpool (Mr. Graves) was not one of those men who were parsimonious, but the contrary, and he had applied a crucial test to this Bill. He very properly said that while the Government proposed a gigantic undertaking, on looking at the prospectus put forward, he could find no estimate of expense—no limited liability principle; and that being so, he naturally refused to go into such a speculation unless explanation was forthcoming. The reply of the Government was, that they were the Executive and would give no information. For his own part, he declined to accept the responsibility of trusting the Government to that extent; neither did he

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believe that the House of Commons would take such a responsibility upon themselves. He would defy any hon. Member in that House to cite another instance of a Minister rising from his seat to propose some measure of radical reform, and yet declining to give any explanation whatever of the probable cost, or of the *modus operandi* of his scheme, and protesting that it was unreasonable that he should be asked to do so. The right hon. Gentleman the Secretary for War (Mr. Cardwell) had candidly told them that he had no calculations of cost on which he could rely. Such a statement, in his opinion, vitiated and condemned the whole scheme; such an admission was not only extraordinary, but it was without precedent—it was an instance of the blind leading the blind, and he feared there would be the same result. The reticence of the Government with regard to cost was calculated to make the public more cautious and more distrustful, and he would ask, if the Secretary for War was so cautious not to commit himself to the House of Commons, ought not the House of Commons, in the interest of the constituencies, to be equally cautious? We were engaged on an expenditure far greater than the Government ever contemplated, and the more we discussed and scrutinized the amount, the greater proportions it assumed. The right hon. Gentleman the Member for Droitwich (Sir John Pakington) had pointed out that the expenditure would be largely increased by the necessity that would arise for satisfying the future demands of the officers for a rise in their scale of pay, and justly remarked that no officer could be expected to live upon the pittance which he now received. The hon. and learned Member for Finsbury (Mr. W. M. Torrens) again, had reminded the House that if they wanted bone instead of gristle they must be prepared to pay a higher price for it. Under these circumstances, therefore, the country must be prepared to pay heavily for any small advantages it might ultimately derive from the carrying out of the Government scheme. It was an extraordinary thing how little such a measure was criticized by hon. Gentlemen who professed to be economists, many of whom owed their seats to their economical professions on the hustings, and who, when the Estimates were considered, haggled a good deal about a few thousands, but who, when the question

was one of millions, seemingly felt very little interest in it. He should like to ask the first Minister of the Crown to what was he indebted for his large majority? In great measure to his programme with regard to economy and retrenchment put forward in Lancashire. All could remember how eloquently and bitterly he inveighed against what was called the profligate expenditure of the late Government. Indeed, from the course taken by hon. and right hon. Gentlemen opposite, he (Sir Massey Lopes) began to think that while the professed economists sat on that (the Ministerial) side of the House, the real economists sat on the Opposition benches at present. The First Minister of the Crown raised this cry of economy and retrenchment, he sowed the wind, and he would reap the whirlwind in this matter of economy as he would find. He had educated the masses, and they were not likely to forget the lessons he had so well taught them. It was very easy to raise the cry, but when you had raised it it was devilish difficult—[*Laughter*]*—*he meant very difficult—to allay it. It was astonishing how the people had criticized the abolition of purchase, as soon as ever the other parts of the Bill were dropped; for though the public never refused to pay for what was good, or what was patriotic, they scrutinized expenditure more than heretofore, and they were now determined to know what was the reason for any given course—nor would they take anything upon trust. That the Chancellor of the Exchequer must have found out to his cost in regard to the 2*d.* income tax, which had been narrowly criticized throughout the country. The practical question was—Were they prepared to incur so vast and indefinite expense, without any certainty of obtaining an adequate return—to destroy what was good before anything had been constructed to take its place, before they had even determined what was to be the substitute? Were they prepared to adopt a system of selection which must become the fruitful parent of favouritism and jobbery, when the power and patronage of the Army were handed over to one Minister of the Crown? In these days the Government appeared to be doing their best to unsettle everything without even attempting to settle anything, while there was not an interest or a description of property in the kingdom which they did not

threaten. The result was that everybody was in a state of suspense, and that the credit and confidence of the country were waning fast. Abolish purchase, what is to be your system of promotion and retirement? The right hon. Gentleman (Mr. Cardwell) tells us organization is the work of the Executive Government. This must be left to Royal Warrants and Regulations. He contended that the House of Commons would never consent to leave such arbitrary and despotic powers to any Government, however strong; it would insist on knowing the principles, the mode and means by which these radical reforms were to be effected. Because he believed this plan of the Government to be imperfect, crude, incapable of satisfying the wants of the country—for were it passed tomorrow we should not be one atom better off, and there would not be the slightest guarantee against the recurrence of panics—and because, therefore, it would be unfair to entail such enormous expense on the people, without providing any security for the attainment of the only object they were really anxious and earnest about—namely, the re-organization of our Army and the efficiency of our Reserves—that he would support the Motion of the hon. Member for Liverpool.

MR. VERNON HARCOURT said, he had often stood side by side with his hon. Friend (Sir Massey Lopes) in defending and advocating the principle of economy in local taxation, and he was now glad to welcome him to their assistance in upholding Imperial economy. As a professed economist, he should like to state the reasons that induced him to support that Bill on the ground of economy. In the first place, however, he should desire to distinguish between distinct classes of military expenditure with which that House had had to deal during the present Session. No doubt, they had voted £3,000,000 of additional taxation for military purposes. The hon. Member for Liverpool (Mr. Graves) had said that his constituents did not like the addition to the income tax; but he (Mr. V. Harcourt) did not think that feeling was peculiar to the people of either Liverpool or Lancashire. Only one-fifth of the extra 2*d.* of income tax was due to that Bill; but the extraordinary military expenditure which necessitated the other four-fifths of that impost was supported by the hon. Member and hon. Gentlemen around him.

[*Third Reading.*]

The people of Lancashire, who read their newspapers, and were very intelligent, were not to be easily deluded as to the parties who were really responsible for the imposition of undue burdens upon them. They would readily understand that the Government and Her Majesty's Opposition were alone responsible for saddling the country with the millions which would ultimately be paid for the over-regulation prices, and that the economists below the gangway on his side declined all responsibility for that expenditure. He would not now enter at any length into the subject of over-regulation prices—a question of which, if the Motion of the hon. Member succeeded, they were likely to hear enough both there and “elsewhere.” The noble Lord the Member for Haddingtonshire (Lord Elcho) had charged hon. Gentlemen below the gangway with repudiating debts of honour. As “delicate transactions” generally meant something exceedingly indelicate, so debts of honour usually originated in transactions not particularly honourable. In 1859 a Committee of the War Office, of which the right hon. and gallant Gentleman the present Surveyor General of Ordnance was a Member, was appointed to make an estimate of the cost of abolishing purchase; and complaint having been made that they had omitted to take into consideration the prices beyond regulation given for commissions, the Committee stated in their Report that every price beyond that permitted by regulation was a “fancy price;” and they went on also to say that—

“Considering that by the Act of George III. every officer who had paid any amount, however small, beyond the regulated price was liable, on conviction thereof, by general Court Martial, to be cashiered, and that all the parties who had wilfully or knowingly assisted therein were liable to be adjudged guilty of a misdemeanour, it appeared to the Committee that it would ill-become them, as Members of a military public Department, to put forward an estimate of the sum which the public would have to pay as a reward or compensation to those who, for their own convenience or their own interest, had deliberately violated one of the most positive and stringent enactments of the Statute Book.”

He therefore hoped the noble Lord (Lord Elcho) would in future direct his indignation against the Committee of the War Office, rather than against the unhappy men below the gangway who shared its sentiments. He had been astonished and gratified at the unexpected conversion of hon. Gentlemen opposite to doctrines

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of economy, and especially upon military subjects. The noble Lord, who was for ever demanding more troops, more arms, and more expenditure, never breathed a word against extravagant expenditure until they invaded the privilege of a class and a social monopoly, and then all of a sudden he presented himself in the novel character of a determined economist. But economy did not consist necessarily in saving money. They might by saving money waste it, and by spending it employ it well. Their Army was an expensive machine, costing £15,000,000 a-year, and the greatest economy was to insure that its management and conduct should be placed in the most competent hands. He would ask the hon. Member for Liverpool (Mr. Graves) whether the merchants of that town conducted their business on the purchase system? If the trade of Liverpool had been conducted on such a principle, and if the ships going out from that port had been commanded by officers who had bought their places, that town would have been now what it was 200 years ago—a paltry fishing village. Nobody wished to have cheap guns in the Army, yet there was a cry for cheap officers. The whole question was, whether purchase gave them a good or a bad system of promotion. It might be said that he and many others did not understand that question of purchase; but after studying it for so many nights in that House under military professors, who so often repeated their lectures, they must be arrant dunces if by this time they did not know something about it. The reformation of religion did not come exclusively from the priests; the reformation of the law seldom came from barristers, neither was it to be expected that the reformation of the Army should come exclusively from its officers. Military men were not the only persons whose opinions should be taken on this subject. No one professed to defend the system of purchase on principle; and it was, therefore, strange that it should be so excellent in practice. It was, in fact, the sale of an office—a practice which in any other Department of the State was repudiated by the sentiments and the conscience of every civilized nation. Why, then, should they deal so differently with the Army, on which the honour and safety of the country depended? It was desirable that they should have

an opportunity of recruiting both officers and men from the best of every class in the nation. Why, then, should they set up a prohibition in the form of a money test? For the last 20 years they had been abolishing tests, including even the money test which had soundly tended to narrow the entrance to that House, they had abolished religious tests in the Universities this Session, and he was glad to say that the test under discussion was almost the last remaining. The hon. Member for Liverpool wished to know what this money was to be paid for; and he would tell him that, in the first place, this expenditure was intended to enable the English nation to draw from the whole people the officers who were to control that enormously expensive machine called the Army. It was said they were going to democratize the Army. But he should like, before he admitted or denied that assertion, to ask what was meant by democratizing the Army? If it meant that they wished to exclude the aristocracy of birth or of wealth from Her Majesty's service, he denied it altogether. The aristocracy would compete on equal terms with all other classes of the community. The hon. Baronet the Member for South Devon (Sir Massey Lopes) talked about blood; but did he think blood less capable of winning its own way when purchase was abolished than it had ever shown itself in the history of this country? He certainly was not disposed to disparage the merits of the aristocracy of this country. They had never failed in any profession to indicate *quasitam meritis superbiam*. There had been occasions, certainly, when blood had not been quite successful in military matters—for instance, as when the Cavaliers contended with the Roundheads of Cromwell; when the *émigrés* of France fought with the *sans culottes* armies of Napoleon the First; or when the "chivalry" of the South met the commonalty of the North in the American Civil War. He did not wish, however, to disparage a class, but simply to protest against a military monopoly for an aristocracy of blood in this country. Some had said that men who had made their fortunes wished their sons to enter the Army by the system of purchase. If their sons were worthy of their fathers, they would succeed, as they had done, without the assistance of money. The aristocracy by birth

would not be excluded by the abolition of purchase, nor would what was called the aristocracy of wealth. The argument that the purchase system had worked well was too old and worn to be accepted in the present day. When the merits of the system of selection were praised, he asked whether purchase, too, was not a system of selection, and one of the worst ever invented? ["No, no!"] He would prove it. Did they not select the man who could put down £400 or £800, as the case might be, and reject the man who could not? ["No, no!"] What was the use of saying "No?" That was not an argument, but an exclamation. Could a man go into the Army who had not £400? ["Yes; Sandhurst."] Well, in a few cases, he might, by distinguished studies, but that only applied to a fraction of the officers, and the mass of them reached their promotion only by force of money. Purchase was the worst form of jobbery and favouritism; the most abominable form of selection ever invented. And what was true of the entrance into the Army was equally true of subsequent promotion. Was not promotion under purchase selection? ["No, no!"] Well, perhaps hon. Gentlemen opposite would not be in a hurry, and would pay him the compliment of supposing that he had a reason for his statements. If there was a vacancy in a regiment, whom did they promote? The best man? No. The senior officer? No; not even he; but the senior man who could put down a certain sum of money—and if there was a man who had grown grey in the service, and who was the best officer in the regiment, he could not be promoted unless he could put down the regulation, and the illegal, or over-regulation, price, too. ["No, no!"] Why, was it not well known that if a man could not pay the over-regulation price he was sent to Coevntry? [An hon. MEMBER: Not over-regulation.] It was in evidence before the Royal Commission, and the right hon. Baronet the Member for Morpeth (Sir George Grey) had stated, that it was impossible for a man not to pay the over-regulation price—that there was a moral obligation on him to violate the law of the land, or remain without promotion. The House was told men were not kept back under the present system; but they knew the history of Havelock and of Clive, and there were many whose history remained un-

[Third Reading.]

known—men who had died disheartened, who had been brokenhearted in the service, in short, men who had been irretrievably lost in the “dark unfathomed cave” of purchase. Although he had hitherto known and cared but little about this subject, the arguments which had been lately used and the spirit displayed in those arguments had convinced him that it would be an economical thing to buy out of the minds of the officers the spirit and temper which these debates had revealed. He had listened with astonishment to the doctrines that had been promulgated in the course of those debates, and they had convinced him that, whatever might be the cost, the most economical thing they could do would be to buy out those ideas at any price. The hon. and gallant Member for Bewdley (Colonel Anson) though an admirable officer, and possessing the qualities which would fit a man to be a great soldier, seemed to be without even an elementary idea of the relations that ought to exist between the Army and the nation; and the result of the system of purchase appeared to have been to convince the officers that the nation was made for the Army, and the Army for the officers. They seemed to hold the opinion that, in return for the wretched, paltry thousands of pounds they had spent in their commissions, they had bought rights utterly inconsistent with the first conceptions of military discipline. What had they heard about the “terms of service?” It meant, if it meant anything at all, that the officers of the Army had purchased rights which those who ought to control the Army had no right to interfere with. What was the meaning of the phrase “right of exchange,” of which they had heard so much? Was it for the benefit of the Army; was it for the benefit of the nation; or was it for the benefit of the officers? He would put a case. There was a regiment in excellent order, well disciplined, with an admirable officer commanding it, who was trusted by his officers and respected by the men. The regiment was going to India, to defend the frontier of their Eastern Empire. All of a sudden the commanding officer retires—[Colonel STUART KNOX: You should give a particular instance]—and some new man appears in command of the regiment. How had it been done? Not by the military authorities, but by a private ar-

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rangement; one officer had given money, and the other officer had accepted it, and the whole regiment was the sport of that transaction. Was not that true? [“No, no!”] He spoke in the presence of men who knew that it was. The right of exchange was simply the right which a man who preferred the climate of Pall Mall to that of India had of getting a substitute for money. There was another right which he hoped would not be so vociferously denied—the right not to be superseded. The noble Lord the Member for West Essex (Lord Eustace Cecil) had, indeed, said that that did not apply to an officer who was notoriously unfit for the service; but even in that mitigated form the idea seemed to him to be inconsistent with the discipline and efficiency of the Army; and he would be prepared to spend £7,000,000, or twice that sum if necessary, to extinguish such ideas. While upon that point, he should like to know, too, what Count Moltke would have to say to a body of officers who had purchased the right not to be superseded. Then in regard to the question of retirement. He admitted that a proper retirement scheme was essential to an efficient Army, and he supposed that it was true, as they were told, that they were to pay an additional sum for retirement under that Bill. But when it was said that they had a system of retirement already that was cheap, he wished to ask if it was also good? Under purchase, if retirement was cheap and speedy, it was because men went into the Army—and especially into the Household Troops and the cavalry—who did not intend to make the Army their profession, but a pastime for a few years. Such a system of retirement was not only bad, but it was dear at any price. And how did it affect the higher ranks of the Army? Did such officers retire because they were no longer fit for the service? Not at all. Men who had become accomplished soldiers and finished officers—men skilled in all the arts of war—one of the most valuable and inestimable professions a nation could acquire—retired, not from unfitness or because they were tired of their profession, but because they had been compelled to invest in their commission all their property, and they had to choose between leaving the Army and the ruin of their families. You might lose the best colonel in your Army, the

man most fit to defend your country in the hour of peril, for no other reason than that he could not afford to become a major-general. In short, the present system retired the wrong man, at the wrong time, and from the wrong motive; and because it was a bad system, it could not be a really cheap one. As to the terms upon which it was now proposed to abolish purchase, he believed that the Army knew perfectly well that they were fair terms—nay, that they were exorbitantly favourable. It was not denied that, as far as the officers were concerned who left the Army, the terms were excellent; and with regard to those who stayed he maintained that, under similar circumstances, civilians would deem themselves perfectly satisfied. It was unreasonable to suppose that the officers could eat their cake and have it too—that they were to keep the benefit of that rapid promotion which they had purchased with their money, and were also to have the money back with which they had acquired the promotion. It might be said that the Government ought to have given them some further information, and he was somewhat of that opinion himself; but that was no reason why they should consent to such a Motion as that of the hon. Member for Liverpool (Mr. Graves)—at least, why it should be accepted by those who were of opinion that this system was radically bad, and that any other system of organization must necessarily commence by that which this Bill professed to accomplish—by the abolition of purchase. It might be safely concluded that that Bill would pass that House; but it was said that it might perhaps meet with misfortune in “another place.” Now, he did not think that it was either very dignified, or very constitutional, to speculate on the actions of the other House of Parliament. The House of Lords had their place in the Constitution, as the House of Commons had theirs, and they were both equally responsible for the proper exercise of their functions; but when it was intimated that it was possible that, on a question such as this, the two Houses might take different views, it could not be forgotten that, in any difference between the two Houses, there was one ultimate appeal, and one only, and that was to the judgment of public opinion. It was before that tribunal that

they on the other side of the House would have to defend their opinions; and it was before that tribunal that we should have to defend ours. They were satisfied with the course they had adopted, conscientiously, he had no doubt, as we were with ours. But let him remind them that when the issue came to be tried, it would be tried before a different tribunal than that which tried it here. The right hon. Gentleman the Member for Morpeth (Sir George Grey) made a touching and well understood allusion to the feelings of fathers on this topic. In the House of Commons there were a great many fathers and uncles and cousins of officers, but when they reached the hustings they would not find the power of clanship so powerful. And let him tell them, when they came to that issue, they would have to justify in their new-born character of economists the votes they had given in favour of the payment of the over-regulation price. They might take their course, and destroy the Bill there or “elsewhere;” but the question was—Were they prepared to sacrifice the interests of the officers? The Sibyl of the Treasury bench would return to them another year, because this belonged to that class of questions which, when they were raised, must be settled. The Sibyl of the Treasury bench would come to them again, asking the same price, but he would not tender the same expense. Nor was it only the Sibyl of the Treasury bench with whom they had to reckon, for there sat opposite to him the Sphinx of the Opposition, the Sphinx whose riddle on that question he ventured to say no hon. and gallant *Œdipus* opposite had yet divined. When they were discussing the Estimates no one could have forgotten the inimitable humour with which the right hon. Gentleman (Mr. Disraeli) described the pastoral scene where, like an Italian shepherd, he reclined beneath the spreading beeches of Buckinghamshire, when a man of war suddenly appeared and disturbed the tranquillity of his rustic repose, and, if he might be permitted the phrase, he “dropped” the man of war with a philosophical calmness. It was impossible in the course of those debates not to have remarked how, when “a man of war from Droitwich” arose by his side, the shepherd of Buckinghamshire discouraged his military ardour. The

[*Third Reading.*]

right hon. Gentleman was an experienced shepherd and a skilful captain, and would never run the Agincourt of the Conservative party on the hidden rocks of social monopoly. The hon. Member for Liverpool had stated that there was no pressure from without upon the question. That was a dangerous doctrine to address to people out-of-doors. A time might come when there would be more pressure than they either expected or desired. The hon. Member also wanted a mature and comprehensive scheme of Army reform, calculated to place the military system of the country on a sound and economical basis. He (Mr. V. Harcourt) thought it was very likely that the hon. Member would get what he asked; but he thought it was still more likely that he would not get what he desired. He would get, he dared say, a scheme of Army reform calculated to place the military system of the country on a sound and economical basis; but it would be after an agitation which would take a much wider range than that narrow and astute Resolution. It would be a discussion which would put in issue the whole question of the privileged classes and social monopoly. It would be a discussion which would raise the whole question of the organization of the Horse Guards, and the principles upon which that office was conducted. Hon. Members opposite who had the opportunity now of settling that issue and closing that controversy, declined it. It was in the power of the hon. Member and his Friends to take another course if they thought fit; but he ventured to predict that if the solution of this question was to be postponed, the scheme of Army reform for which he asked would be very different from that which the hon. Member for Liverpool hoped and expected, for it would be a scheme which, representing the convictions of an instructed people, would receive the sanction of the House of Commons, and command the assent of the House of Lords.

MR. W. H. SMITH said, his hon. Friend the Member for Liverpool (Mr. Graves) had been taunted with the fact that the merchants of Liverpool did not recognize the principle of purchase in the conduct of their own affairs. But the merchants as well of Liverpool as of other places, he ventured to assert, invariably felt it right to consult the feel-

ings and prejudices—if they could be termed prejudices—or, more properly, the public opinion of those who served under them. They felt it of the first importance to carry with them the good feeling of the officers who managed their affairs—the class who administered the great commercial interests with whose prosperity they were identified. He ventured also to suggest that mercantile affairs were never conducted purely upon theoretical principles, however admirable those might be. Mercantile men dealt with men and circumstances as they found them, and the very last thing they would think of would be to follow out some fine theoretical principle under every conceivable circumstance. Like his hon. Friend the Member for Liverpool (Mr. Graves) he was no admirer of the principle of purchase; but a great deal might be said in favour of the practical working of the system, to which a bad name had been given. Clumsily constructed in the first instance, and the growth of many centuries, it was no more, he ventured to think, than a system under which officers of the Army had been compelled to make provision for their own retirement, and to insure a provision for their families when they themselves deemed it right to leave the service. The hon. and learned Member for Oxford (Mr. V. Harcourt) spoke with considerable indignation of gentlemen being tempted to leave the Army at an earlier period than they would do if a purely professional career were open to them. He thought it an advantage rather than a loss that there should return from time to time into the ranks of English gentlemen officers who, by passing 5, 6, or 10 years in the service of their country, had really qualified themselves more completely for civil life. For his own part, he should regard with considerable alarm the creation of a purely professional force, the members of which continuing in the Army from 18 to 50 or 60 years of age, would naturally regard every event in the history of the country from the Army point of view alone, and would thus endanger the peace of the country, and possibly entail upon them grave disasters. The hon. Member for the Border Burghs (Mr. Trevelyan) having spoken with indignation of the enormous cost of the officers of the Army, he was tempted to refer to the Queen's Regula-

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tions to see what these gentlemen actually received. He found that the ensign received the enormous sum of 5*s.* 3*d.* for his daily pay; that this amount increased to 6*s.* 6*d.* on his becoming a lieutenant, 11*s.* 7*d.* as a captain, 16*s.* as a major, and 17*s.* when he became lieutenant-colonel. If, therefore, a change were to be made in the pay of British officers, he certainly thought it must be in the way of increase; and that would be inevitable if the officers were converted into a strictly professional class. That which he complained of, however, as a bad system was that which the Government would be compelled to introduce into the Army if the measure was carried. The hon. Member for Sheffield (Mr. Mundella) complained that the pensions to the rank and file of the Army now stood at £1,100,000, and in the course of a few years would reach the enormous sum of £2,000,000; but the effect of the change proposed by that Bill would be to introduce yearly into the Budget a sum payable to the officers approximating very nearly to the amount of that of which, in the case of the private soldiers, the hon. Member for Sheffield so loudly complained. The hon. Member for the Border Burghs had twitted his hon. Friend the Member for Liverpool (Mr. Graves), and others who sat near, with having voted against the proposal to do away with honorary colonelcies; but when he (Mr. W. H. Smith) found that the pay of a man who had been serving in the Army for 25 or 30 years, amounted to only £1 a-day, he was not prepared to say that a person so ill-paid was not to receive, at the end of his career, any such recognition of his services. Government had held office since 1868; they had a majority of upwards of 100; and they had produced their Estimates on their own responsibility. What did those Estimates consist of? An increase of rank and file of something like 20,000; but they also consisted of a large charge for material in the War Department. He listened to the speech of the right hon. Gentleman the Chancellor of the Exchequer a few weeks ago with very great interest. The right hon. Gentleman endeavoured to persuade that House to sanction a large expenditure on the ground that that expenditure would secure the country, as far as the naval service was concerned, and would give us an Army

capable of preserving this country from attack, if the naval force—the country's chief defence—should be broken through, and would render us the admiration of all neighbouring nations; and he thought the right hon. Gentleman went on to say that he advocated that expenditure on the ground that it would be the wiser economy for a great nation. He (Mr. W. H. Smith) believed that statement. He believed that policy to be a wise one, and if he opposed the measure before the House it was because he believed it was insufficient for the purpose indicated. He did not believe that under the system of the Government the nation would have that security—that Army to be called on in case of need, which the Chancellor of the Exchequer promised they should have. Reference had been made to the fact—[*Cries of "Divide!"*] He would not detain the House more than a minute. Reference had been made to the fact that the English Army was very costly as compared with the German Army, of which they had of late heard so much. He ventured to say that any comparison between the two forces was altogether out of place. There were two distinct principles at work. In England they enlisted persons who were willing to serve, and they ought to pay them adequately. The German Army was a different thing. It took the men, whether they would or not; and their cost to the German Army was nothing to what they cost the German nation. Individually, the men in the German Army made sacrifices which were not measured by the amount of the pay. Economists must look this fairly in the face. If England was to have a Volunteer Army, she must pay for it. If they wanted an Army, and they did not get one sufficiently large, they must resort to compulsory service. Let them, therefore, regard the facts fairly and openly; and not reduce their military expenditure, unless they were going to adopt a system which would entail on them enormous sacrifices. He believed that they wanted an Army of the smallest possible number of men for home service; but they wanted an Army sufficiently large to supply the demands for the relays that were necessary for foreign service. But they must have a system that would keep up their ranks from time to time. They did not want an aggressive Army; but they wanted the

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country to be secure, and to feel itself to be secure, so that there should not be a recurrence of the panics with which they had been troubled during the past ten years.

MR. CARDWELL: I am not surprised that there should be symptoms of something like impatience for the close of this debate; but I can assure the House that I will not detain them long from the impending division. I wish, however, to make a few remarks before the discussion comes to a conclusion. I am not surprised, for novelty is not a characteristic of these discussions, that we should appear to be ending almost where we began. On the second reading of the Bill we were not permitted to proceed to the usual division, deciding simply on the merits of the Bill; but were invited by an hon. and gallant Friend of mine (Colonel Loyd Lindsay) to give our opinion on a proposal to the effect that the expenditure necessary for the national defence and other demands on the Exchequer did not at present justify the House in voting the public money for the abolition of purchase in the Army. It was distinctly on the issue of the cost, and the justification of that cost for the abolition of purchase, that the decision of the House was taken. ["No!"] Well, but if the Motion was negatived without a division, that fact is not less but more significant than if we had divided. Now, I find that after all the long discussions in which we have been engaged, we have again rolled round to a proposal raising in substance the very same issue. It is said that we have brought forward this scheme for the abolition of purchase without any pressure from without; that there have been no Petitions, no public meetings in its favour; but if that be so, what becomes of the argument that it was intended as "a sop to democracy?" We have been told to-night that the objection is against the cost; and that objection comes from the very same quarter that in the last three months has come every proposal for increasing the cost, which it has been my painful duty to resist, because it was at variance with the principle of the Bill. We have also been told to-night that if the Bill contained all which it contained when it was introduced on the 16th of February, it might be worthy of support; but that now it is not so, seeing that it has

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been, as the hon. Baronet the Member for South Devon (Sir Massey Lopes) said, eviscerated and emasculated, and the most valuable clauses in it struck out. All I can say is, that the opposition we experienced made it physically impossible for us to go on with it in its entirety, and now hon. Members opposite complain of us because, in obedience to them, we have left out certain portions of the Bill. But what are these valuable clauses which have been omitted? I feel greatly flattered by all that has been said to-night with respect to them, and I hope when hon. Gentlemen see how much of the original Bill remains, they will have more respect for that portion of it than many of them have hitherto expressed. There was, I may observe, a most remarkable contrast between the speech of the hon. Member for Liverpool (Mr. Graves), who moved the Amendment, and that of the hon. Member for Nottingham (Mr. Seely), by whom it was seconded. The hon. Member for Liverpool regrets beyond everything the absence of the clauses with which we have been unable to proceed; but the hon. Member for Nottingham, in words that astonished me coming from a Liberal sitting on this side of the House, who I always supposed held advanced opinions, denounced the whole system of short service, on the ground that it would place the Army in the hands of the people. It was said that from such a proposal the gravest political danger was to be apprehended, and that, therefore, we must submit to have a small professional Army in this country, or we should be nursing a serpent in our bosom. The Government policy is the reverse of that, and we do not admit that the recruits we receive are of the lowest classes of the population, who wander about the streets without any occupation. On the contrary, as a matter of the utmost social importance, we shall endeavour to break down the barrier which divides the Army from the civil population, and we shall encourage the youth of the country to go into the Army, not omitting to give them, to the best of our power, teaching in some trade which may be to their advantage after leaving the Army, and to open to them situations in the Post Office and other establishments, and thus bind together the Army and the civil population. Look at the opposing principles of

the hon. Mover and Seconder of the proposal before us. The hon. Mover brings forward that Motion because we have omitted short service from the Bill, and the hon. Seconder opposes because of our short service Bill of last Session. Let me draw attention to what has been preserved and what omitted from this Bill. The hon. Member (Mr. Graves) quoted the concluding words of my remarks on introducing the Bill; but if he had gone back a few lines he would have found that under 15 heads I detailed the general policy of the Government. Upon first explaining the measure to the House, I said—

“We ask you for no increase of the standing Army beyond that which you made at the end of last Session; but we propose to raise the Army Reserve as rapidly and largely as we can by the increased introduction of short service in the Army. We desire to pass as many men through the ranks as can be done, having regard to the number of recruits and the time required to make a man an efficient soldier. We propose to increase the Militia, and to improve the organization of the Volunteers; to provide for compulsory service in case of emergency; to abolish purchase; to withdraw from Lords Lieutenant the power they have now in regard to the auxiliary forces; to combine the whole under general officers; to appoint colonels on the Staff in sufficient numbers to this Army; to combine recruiting for the Line with that of the Reserves; to fuse together as we can the Regular and Reserve forces by appointing officers of the Regular Army to positions in the Reserve, and by giving subalterns in the Militia commissions in the Line. We propose to brigade them together, to find field artillery for all arms, to enable counties to get rid of the inconvenience of billets, to gain command of the railway communication of the country in case of emergency—in short, we propose to unite all the voluntary forces of the country into one defensive army, with power to supplement by compulsion in case of emergency—all to be under the command of the general officers commanding in the districts, subordinate to one Commander-in-Chief, who will act with the approval of the Secretary of State; and, therefore, the whole will be under the direction and supreme control of Her Majesty's responsible Ministers. I earnestly commend to your favourable consideration these proposals.”—[3 *Hansard*, cciv. 357-8.]

Now, treating of those 15 heads of detail separately, it appears that by the Adjutant General's Return, on the 1st of June, the Army is 106,000 men strong, being the largest Army ever seen in this country in time of peace; and the House was told the other night that the Field Artillery was doubled and raised to a point sufficient for the manœuvres of an Army of 150,000 men. The proposals I made with regard to the Reserves, the

Militia, and Volunteers remain untouched. With regard to short service, we have given up the clause relating to that, and I regret it; but we have not abandoned the Act of last Session, nor given up the principle of short service, under which you can have a small Army as a training school for a large Reserve. Neither have we abandoned the intention of increasing the Militia and improving the organization of the Volunteers. We were told last year that the proposal we made of training schools for the officers of Volunteers would be repudiated by them. [An hon. MEMBER: Who said that?] The noble Lord the Member for Haddingtonshire (Lord Elcho) said so, but that prediction had not been verified. We also said that we intended to provide for compulsory service in case of emergency, and the clauses relating thereto have been abandoned. But I should be wrong in saying that the whole of the proposal for service in an emergency is abandoned, for we still have the Act of 1860; the clauses that we have abandoned would only have made that plan more efficient. The only three provisions, therefore, which the Government have been compelled to abandon relate to short service, compulsory service, and the empowering counties to obtain money for providing barracks. Are these the great and weighty portions of the Bill, the abandonment of which can be described by the phrase that we have emasculated and eviscerated the Bill? The most important and most weighty parts of our plan we still retain. We have been charged with reticence because we have not given in detail the scheme for selection and retirement. I have stated plainly the general principles of the scheme, and it would not be reasonable or wise to expect the Government to give the details, even if they had time to perfect them, which they have not had. Another reason why we did not think it prudent was that it would not have been wise at the very commencement to have laid down a hard-and-fast line, from which there was to be no deviation afterwards. In dealing with a voluntary system with ancient institutions, with vested interests, with local sympathies, your proposals, as the right hon. Member for Buckinghamshire (Mr. Disraeli) said in the earlier discussions on this subject, must be tentative, and if from

the beginning you attempt to proceed on a plan not to be afterwards changed you will only deceive yourselves and others. Then, with regard to retirement; it was very easy to say that we ought to have a scheme for retirement ready, some hon. Gentlemen have even framed their own, and the right hon. and gallant Member for Shropshire (Sir Percy Herbert), for one, said that the cost would exceed the present amount by £2,000,000. I declined to commit myself to any calculation, because it was necessary first to get the data for the purpose. The data of retirement depend on the proportion of senior officers and junior officers, and that depends on whether you retain the same number of subalterns. Another thing on which it depends is whether, after abolishing purchase, there would be as great a disposition as now to pass rapidly through the rank of officer. I believe and hope there will not, for it is not a good thing for any service that a large number of men should enter it for the purpose of passing rapidly through it. We are told to-night that we have made a mistake, and that we should have re-organized first and abolished purchase afterwards. You might as well say that we should erect a new building before we pull down the old one which encumbered the site. You cannot make any change in the Army at all without doing one of two things—you must either interfere in a way you do not wish to interfere with the pecuniary interests of officers and do injustice you would deeply regret, or you must create new purchase interests which the public must afterwards redeem. Therefore, you must have the abolition of purchase, not at the end but at the beginning of any system of re-organization of the Army. So, again with regard to the Militia—if you are to combine the Regular Army with the Militia, the first thing you must do is to place them under one command, and accordingly one of the objects of this Bill—and not by any means the least important object—is to transfer the powers now vested in Lords Lieutenant of counties to the Crown. This Motion says that the Bill has been narrowed to one object. I must remind the House that there were 15 objects stated in the paragraph to which the hon. Member for Liverpool referred, and that but three of these have disappeared in consequence of

the proposed change. But what is this proposal with regard to the Lords Lieutenant of counties? The noble Lord the Member for North Leicestershire (Lord John Manners) will not say it is unimportant, for in asking for an explanation of it, he called it the other night a great and radical change, and a great and radical change it is. It has not been the subject of opposition because I believe everybody was convinced of its importance. It is a change in the law as it has existed since the Revolution, and I may say, ever since we had an Army. The changes I originally described as cardinal were two—the transfer of the powers of Lords Lieutenant to the Crown and the abolition of purchase. I have shown you that before any re-organization you must get rid of the system of purchase. But there is another, although a minor yet a perfectly cogent, reason to compel you to deal with this question of purchase. My predecessor in office, as I have already stated to the House, submitted to the Queen that it was desirable that the rank of cornet and ensign should be abolished in the Army. He found he had set rolling a larger stone than he was aware of. He did not remain long enough in office to carry out that scheme. It became my duty to make a proposal with that view. What was the result? It was against the law that over-regulation prices should be paid. It was not possible for me, with due respect to the House of Lords and the Constitution of the country, to submit a Vote for over-regulation prices until due statutory permission had been obtained. Accordingly, I made a proposal which did not recognize over-regulation prices. The proposal was unsuccessful on that ground. We withdrew it, and we appointed a Royal Commission, of which my right hon. Friend the Member for Morpeth (Sir George Grey) was Chairman. That Commission reported in favour of the recognition of the over-regulation prices. In what position did that leave the Government? For successive generations we had been tolerating habitual violations of the law. We have been feelingly told to-night that by habitual violations of the law the security of our institutions is undermined. But it was always supposed that what everybody knew except those who were in office, those in office were entirely ignorant of; on that ground these habitual violations were excused.

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But what became of the veil of ignorance when the Royal Commission had reported. The Government then had notice which no one could dispute; the Government, therefore, could not continue to be parties to that violation of the law. It was necessary to enforce the laws; but without the sanction of Parliament they could not compensate the officers. Therefore, it was absolutely necessary that we should come to Parliament to make the proposals we now advocate, in which we ask that sanction. Two lines of argument converged, either of which rendered it absolutely necessary to deal with purchase. Instead of putting an end to purchase you might legalize it, and put up every commission in the Army to the highest bidder. That course you would not take; and the only other course was to bring in a Bill for the purpose of giving compensation to officers as is proposed in the present measure. Those who have paid attention to this subject have, I am sure, made themselves acquainted with that most remarkable work lately published in Germany, called *The Tactical Retrospect*. We know that "the tongues of dying men enforce attention like deep harmony." The author of *The Tactical Retrospect* perished in the campaign of 1870; but these are the words which, with the permission of the House, I am desirous to read from that remarkable work. Speaking of what would be the tactics of future armies, he uses these words—

"Such a disposal of men is only possible when the officers of all ranks, without exception, are educated in the highest degree, both in an intellectual and military point of view, and are in a position to rely on their own tact for the solution of difficult and weighty points rather than on any prescribed scheme of tactics. One single individual who is destitute of the above qualifications has the power of causing the most ruinous consequences, which is a fresh proof of the great advantages to be gained by having all officers formed on one principle."

And the concluding words of the treatise are these—

"One conclusion, however, may be drawn from what we have hitherto advanced. In the wars of the future, the decisive element will not be brute force, but rather intellect, not only on the part of the leader, but from him down to the last soldier, and each individual will weigh in the scale according to the whole value of his intellectual individuality. A battle between two armies is nothing more than a struggle between two nations, who put forth their best powers to defend that which is most sacred to them; and so long as a nation keeps to the true principles which lead the civili-

zation of man forward in the path of progress, its armies can never be beaten."

That is a voice from the tomb. But I know the answer that will be made. We have had it already to-night—"Do not lay the fault on the officers of the Army, but take to yourselves the blame of their not attaining the highest standard of professional efficiency." Let no one suppose that I disparage the high qualities of the British officer. I quite agree with all that has been said on that subject. But heroism will not do. The greatest vigour both of mind and body will not do. All the qualities which distinguish the British officer will not do unless, with the arms of the present day and the opponents you will have to contend against in future wars, you have the highest system of professional training. Now, I will just read to you, in contrast with the passage from *The Tactical Retrospect*, a passage from the Report of the Commissioners appointed to inquire into the Sale and Purchase of Commissions in the Army when enumerating the objections urged against the purchase system—

"Under such regulations there is little inducement for officers to acquire proficiency in the science of war, or to study the military progress of other nations. An officer who performs his routine duties, and who keeps a sum of money available to purchase his promotion, as opportunities offer, may look forward with confidence to the attainment of high military rank. While the subaltern who has not the means to buy advancement may serve during all the best years of his life in distant stations and in deadly climates, yet he must be prepared to see his juniors pass over him, for he will find that knowledge of military science and attention to regimental duties do not avail him, unless he is able to buy the rank to which his qualifications entitle him."

Whichever way you look abolition is the first indispensable step; if you look to the position of the Government, now no longer able to screen itself behind the veil of ignorance, which the right hon. Baronet the Member for Morpeth has torn away, and compelled to enforce the law and ask for power to compensate the officer, you must agree that the abolition of purchase is necessary; and, finally, and above all, you must have a professional Army, which is antagonistic to a purchase Army; and, for the future, merit and not money must be the passport to pre-eminence in the Army.

MR. DISRAELI: Sir, I do not wish to prolong the debate, but I wish to express my entire approbation of the

Amendment proposed by the hon. Member for Liverpool (Mr. Graves). It appears to me, after the three months' discussion we have had of this measure in its various shapes, that the issue raised by the Amendment is the only proper issue that ought now to be brought before the House, and upon which its decision should be asked. I myself protested against the House being launched into a vast and an indefinite, and as I must say, after all I have listened to and all the researches I have been able to make, still an unfathomable expenditure. We hear a great deal of the system of purchase, and I think it would be as well if we came to some clear understanding as to what that system of purchase is. It is a system by means of which the State, for now many generations, has thrown upon the officers of the Army the expense of creating and maintaining a flow of promotion. Therefore it appears to me that, under any circumstances, the expenditure we have to meet is one which ought not to be thrown upon the taxation of the country. These are the two points which it becomes the House to consider, and, unless they can arrive at a satisfactory conclusion upon these two points, I do not see how they can sanction this Bill, or how they can be led away from that conclusion, by the various matters, no doubt of interest, respecting the military profession, of which the right hon. Gentleman the Secretary of State for War has treated. Here is before us a vast, indefinite, and unfathomable expenditure. I maintain, Sir, that when the Government comes forward to abolish one military system for which another must be substituted, they are bound to give us a complete estimate, not only of the cost of the military system to be abolished, but also of the cost of the construction of the military system to be substituted. I think both sides of the House will agree that that will approach an amount of a character with which we have seldom dealt, unless we have had to meet a great national contingency, like the abolition of slavery, for example, and other incidents of that character, very rare in our history. That being the case, I maintain we ought to have had placed before Parliament the most complete estimate, both for the abolition of the existing system and the construction of

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the new one which is to be its substitute, which the resources of the Government can furnish, and I say further, it is the duty of the Government not to attempt to throw the expenditure which is to be incurred to obtain these results upon our annual taxation. I think, not only that they might justifiably, but that they are bound to come forward with some scheme to effect that object, which would have saved the taxpayer of the country from that increase of his burdens which must be produced by pursuing the course upon which the House, if it adopts this Bill, is inevitably launched. It is on these grounds, Sir, that I oppose the Bill, and that I support the Amendment of my hon. Friend the Member for Liverpool. All the military considerations have been discussed both amply and practically, and have furnished different grounds of approval or rejection, according to the different views of those dealing with them. The objection I make has never been fairly met by the Government. They are plunging into this vast and indefinite expenditure; they are bound to furnish the House and the country with ample information as to the cost of the abolition of the old system and the probable cost of the construction of the new one; and when that amount is ascertained, I think it is their duty to come forward with some scheme which will not have the effect of throwing the burden upon the annual taxpayer of the country, but which should have effected a purpose so essentially national, arising out of arrangements the foundations of which were laid generations ago, and which had been continued and confirmed for national objects, and for stated advantages, without making the taxpayer, as they are about to make him, the victim of the arrangement.

MR. GLADSTONE: The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) has stated with great distinctness the grounds on which he intends to support the Amendment now before the House. They are, first, that the Government ought to have given a clear account of what the right hon. Gentleman called the cost of construction, for we all understand that we are now removing that which may hereafter conflict with an altered system; and, second, that we ought to have spared the taxpayer the burden which this

change, as we now propose it, will cast upon him. Now, I must say I think the right hon. Gentleman himself, and I am confident the House, can hardly be of opinion, with respect to the second of these grounds, that it affords a worthy plea for opposition. When the right hon. Gentleman says we ought not to have this burden thrown upon the taxpayer, is he not playing with words? In what mode can you dispose of these charges except at the cost of the taxpayer? The right hon. Gentleman speaks as if by some magic or legerdemain we could contrive to open some new source from which these millions could be drawn, so that the taxpayer should never hear of them. No doubt, if the Government, instead of meeting these charges out of the Revenue of the year, had proposed to meet them by the issue of Consols, the effect of that would have been that, perhaps, for the present year we should not have paid more than half or two-thirds of the sum; next year the charge would have been relatively still less, and so we should have handed it down to future generations. I venture, with great respect, to call that financial cowardice. Why are we, in the palmy days of our prosperity and power, to shrink from this burden, and to cast upon remote posterity the consequences of a ruinous system for which they are not responsible, and for which we are, at least in part, responsible? For, I take it, there is no doubt, as respects the most aggravated portion of the system of purchase—namely, the over-regulation price—in a very great degree it is the creation of our own time. The right hon. Gentleman surely cannot think that such a reason as this can be a reason why, after three months' debate, this House is to adopt a Resolution which, if it could be carried, would leave the question in that state of hopeless and disheartening confusion which I believe most of the officers of the Army would be the very first to deprecate. Has the hon. Member the Mover of the Motion considered what the effect of it must be? Suppose he could obtain a majority, what would be the condition of Parliament? Even from the opposite side of the House, and from one in close proximity to the right hon. Member for Buckinghamshire, we have had during this evening the candid confession that the question—for the raising of which I

admit that he is not, and hon. Gentlemen opposite are not, responsible—having been raised, and having been brought to the stage it has now reached, it ought to be settled and disposed of. It is not pleasant to insinuate that the Mover of a Resolution of this kind does not wish it to be carried; and yet I think if I could dive into the breast of the hon. Member for Liverpool I should find graven there feelings, not of dread, because he reckons with cheerful confidence on a hostile majority; but if through some strange accident there had been a fear that he might succeed, I doubt very much whether the hon. Gentleman would have submitted this Motion to the House. The right hon. Gentleman the Member for Buckinghamshire has given his adhesion to the terms of the Motion. I really expected he would have endeavoured to meet the distinct challenge which was thrown out by my right hon. Friend the Secretary of State for War, because it is material that the Motion which the House is invited to adopt should not assert propositions that are palpably untrue. The Motion alleges that the Bill for the better regulation of the Army has been narrowed to one object, which will entail on the country an ascertained expenditure of several millions, and so forth. I call attention to this assertion that the Bill has been narrowed down to the single question of purchase. Is that so? Is it not true that at the very outset of our discussions my right hon. Friend the Secretary of State for War pointed out two, and two only, as the cardinal objects of the Bill, and is it not true that these two, in undiminished plenitude, still compose the material portions of the Bill? Is the hon. Gentleman the Member for Liverpool who brought forward the Motion, or any other hon. Gentleman on the opposite side of the House, prepared to say that those portions of the Bill which have been dropped were its vital portions? Is the substitution of one method of Ballot for another to be considered as constituting a distinction between the great, the noble, and the comprehensive measure which the hon. Member seems to recognize in the Bill as originally introduced, and the Bill which is now on the Table? The fact is undeniable that the Bill has lost nothing except that which was secondary in its character. All that which the

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Government considered essential, and which obtained from the right hon. Gentleman the Member for Buckinghamshire himself, on the second reading of the Bill, a qualified approval, was the portion of the measure relating to the blending of the services together, and the whole of those provisions remain in the Bill. What has been dropped? Short service? Has that made the difference between a good Bill and a bad one? The truth is that this Motion has been drawn in palpable forgetfulness of facts. It asserts that the Bill is now narrowed to one object, an assertion which is palpably untrue, and I hope that some hon. Gentleman may endeavour—I do not say in full detail—to explain, or rather to ask himself, what in the world is meant by declaring that this narrowing of the Bill has occurred when the only great object embraced by the Bill as it originally stood still remains on the text of the Bill? I think, therefore, I am justified in putting these two points—in the first place, that it is far from desirable that any portion of this House should commit itself to the categorical assertion of a proposition which it is totally impossible in seriousness to maintain; and, secondly, that the objection of the right hon. Gentleman the Member for Buckinghamshire, that we propose to meet this charge out of the Revenue of the year, is an objection which, even if valid, never could constitute a sufficient ground for the rejection of such a measure as this. Above all, let me say that a resort to the expedient of borrowing—a resort never to be encouraged except under circumstances of the strongest necessity—would be most unworthy in a case like this, because we are not called upon to meet this charge during the present year, or during the next two or three years. It is true they will bear the greater proportion of the charge, and it is right they should do so, for it is better that they who pass the legislation should, by themselves and their constituents, meet the principal part of the pecuniary responsibility. But the charge is already, as we know, distributed for us by the natural action of circumstances over a period of 35 years. Now, if that is not time enough for a nation like this to get rid of such a charge, I hold that, whatever may be our military spirit, the spirit and the civil courage in this coun-

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try and within the walls of Parliament must be reduced to the lowest ebb before we can prevail upon ourselves to have recourse to so unhappy and feeble an expedient. The remaining portion of the proposition I commend to the consideration of the hon. Gentleman the Member for Liverpool—that portion of the statement, which I am sure cannot be contested; about the error he has allowed to creep into his principal recital. The main gist of his proposition, however, is an objection to a large and permanent charge of which no estimate has been submitted, and the right hon. Gentleman the Member for Buckinghamshire has improved on the language of the Motion, for that which the hon. Member for Liverpool calls “large and permanent” the right hon. Gentleman the Member for Buckinghamshire calls “vast, indefinite, and unfathomable.” At the same time he goes far to satisfy the imagination by increasing the vagueness which hangs about the terms. I am content to refer, as far as the Government is concerned, to the justification given by my right hon. Friend the Secretary of State for War of the course he has taken in acting upon the sound principle laid down by the right hon. Gentleman the Member for Buckinghamshire himself—namely, that as you are dealing not with machines, but with men, and as you are dealing with men every step of whose action under our military system is to be free, you must proceed by tentative methods, and must not prematurely commit the State by announcements in detail by which you may lay it down as absolutely certain that everything in them tending to place the State at a disadvantage in its dealings hereafter with classes will be registered as a binding covenant; whereas, on the other hand, everything in them in which the balance is cast too much in favour of the State will be treated, and justly treated, as waste paper. For my own part, I must protest, on wider and more permanent grounds, against the assumption of this “vast, indefinite, and unfathomable charge;” and even against the “large and permanent” charge, I would remind hon. Gentlemen of the argument I submitted to the House on a former occasion, and which still remains unanswered. My argument was this—you tell us that if we abolish purchase, it will be necessary hereafter to

add largely to the emoluments of the officers of the Army; and I will not now enter into the question whether that is to be done by retirement or by pay; for that is as broad as it is long as far as my present proposition is concerned. Why do you say it will be necessary that the public is to be put to a heavier charge in order to bring officers into the Army hereafter? The officers have taken their present pay and emoluments subject to a charge of £8,000,000. I was taken to task for saying that this was the sum they had paid to their predecessors, and the allegation was made that the money had been paid to the Government. Since then a Return has been obtained in detail, which shows that in a long series of years £1,700,000 has been paid to the Reserve Fund, and, for the sake of the argument, I will assume that it was paid to the Government. A computation was made at the same time of the total sum which passed in the prices of commissions during that period in which the £1,700,000 went to the Reserve Fund, and that total was no less than £26,000,000. Therefore, that proportion of something like 6 or 7 per cent of the whole money appears to have been paid to the Reserve Fund, while 90 per cent was paid to previous officers of the Army. What are the present officers? Hon. Gentlemen have been glowing in their eulogiums in the course of this debate, and have given us to understand that the officers present the only part of our military organization that is absolutely irreproachable. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) used that argument, but qualified it by saying it was undoubtedly alleged that under the present system generals and others in high command were rather wooden-headed. I admit that was in the nature of an awful drawback on the eulogy which was pronounced, for if the production of wooden-headed generals be the result of this admirable system, I do not know how to defend it. I cannot concur in these glowing and sanguine eulogies; but I trust I may, without the slightest disrespect to the officers of the Army, believe they labour under a defect which attaches very much to Englishmen in all professions—that they do not obtain the best and most thorough professional instruction. I may say that without re-

serve, because if it attaches to officers of the Army it attaches to others also. I believe that this defect attaches to the profession to which I belong, and that public men in England have not the professional instruction which they ought to have. The same remark applies to almost every profession in this country, and it would be wonderful if it did not apply to the officers of the Army, when we consider that the bulk of them are drawn from the public schools, and when we consider how lamentably low the standard of study and acquirements is in those ancient and magnificent establishments. ["No, no!" and "Hear, hear!"] Do I understand hon. Members to say that the standard of acquirements in our public schools is not lamentably low compared with what it ought to be? ["No, no!" and "Hear, hear!"] I very strongly hold that opinion, and I think if you went out of this country and consulted competent persons belonging to other countries, you would find it hardly needed disputing. But if that be the case with regard to our public schools in general, and with regard also to our Universities—that is to say, that they teach a great deal and teach it very well, but do not teach half as much, and do not produce anything like half as much, acquirements and attainments as they ought to do—it follows, as a matter of course, that that must be true, particularly as regards the officers of our Army, when you consider that those officers have usually been taken not from the most studious portion of the youth of England, and are in all cases removed from school before they have escaped from the years of boyhood, and are then placed in a position of extraordinary temptation to idleness and levity of life; they would be, indeed, more than human if they were able altogether to resist it. On the other hand, given the instruction and the skill, I venture to say that our purchase system has brought us the finest materials in the world for officers, but they have been saddled with this mortgage of £8,000,000, which had to be paid in order that they might become officers. How do they stand now? How does the officer of the future stand in comparison with the officer of the present? The officers of the future are to be relieved from the demand for these £8,000,000. The Government steps in,

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and has to pay to the officers of the present the £8,000,000, which they would otherwise have received from their successors. That represents a sum, as I said, of £320,000 a-year; but I think I stated it too moderately, for when you take into view the number of cases in which the money invested in commissions was permanently sunk, I might very fairly put the sum at £400,000 a-year. If so, that is an addition of that sum to the emoluments of the officers of the Army, and I want to know why, if you are making that addition, it can be necessary, if you make a judicious use of your resources, to make some other large addition too? You have not a difficulty in finding officers for your Army. When you go into the market to recruit for soldiers you offer just enough to bring a sufficiency of men. But with regard to officers the case is very different, for you had a number greater than you demanded, and they were always wanting to buy into those places which were saddled with the heavy charge of purchase. That charge is now about to be removed, and still we are told that by the effect of that removal we must entail an unfathomable, vast, indefinite, large, and permanent charge. [Lord ELCHO: Hear, hear!] The noble Lord the Member for Haddingtonshire cheers me; but he made me an answer which did not at all touch the point, for he informed me that it was necessary in order to preserve the proper relations between the various grades of officers and the ages of persons occupying those positions, to take care to preserve a proper flow of promotion and the clearing of the ranks, or otherwise we should be burdened with old men. My knowledge of military matters is very small; but I was not so wholly ignorant as not to be well aware of that fact, before he communicated it to me. Yet that does not touch the point in the least. It is not a question now in what manner you shall distribute the sum that is available for pay or retirement to the officers of the Army. My point is this—you now provide yourselves with officers of the very best and highest material for a certain sum per year. You are going to increase that sum by £400,000 a-year, and it would show a very great want of administrative skill on the part of this House and of the Government, if, indeed, this fearful prediction is to be

verified, that we cannot abolish purchase without incurring a charge for which no estimate has yet been made. I, for my own part, entirely decline to be bound by any of these prophecies of ill, and I must point out that no one has attempted to meet our allegation, or to show why it is that money should have so lost its power, or else that administrative skill should be so wholly wanting among us, as that they should be able to sustain this extraordinary paradox, that because we are going to give, very justly and properly, a very great relief to the officers of the future by the abolition of purchase, therefore we must necessarily add to the emoluments in some other form. I do not now enter into the question between retirement and pay. Retirement is pay, only it is pay so distributed and placed as to be really given to the officers for the purpose of producing retirement. We are aware that we have incurred a great responsibility in proposing this measure, and when my right hon. Friend the Secretary of State for War sets about the work of reviewing the whole position of the officers of the Army after this Bill shall have become law, he will, indeed, have to address himself to a most formidable task. It is hardly possible to overrate that responsibility, and we do not shrink from acknowledging it. We shall endeavour to meet it as best we may; but, in the meantime, we hope that the House of Commons will likewise consider the responsibility that it would itself incur were it to take any step that would either bring about or facilitate the loss of the present Bill. It is my duty emphatically to sustain the declaration of my right hon. Friend—that it is impossible for the Government, after all that has occurred, and after the disclosures that have been made, to be parties to the continued violation of the law by the payment of over-regulation money. On that matter we have no option whatever. To that duty all our proceedings must be conformed; it must become our regulating principle. We have to ask the House to give us their powerful assistance so as to enable us to perform it in the manner best and most convenient for the interests of all those who are immediately affected by the measure. Never shall we be parties knowingly to an act of injustice; but we do feel that the point which we have now reached,

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and with these facts encouraging us, we are justified in asking the House not to keep this question in suspense, not to throw the minds of men into confusion with respect to the future by rejecting this Bill, which aims at the regular legal abolition of the system of purchase upon terms of justice and liberality, when a voice has eminently gone forth, as I believe nine out of ten hon. Members who have taken part in these discussions are as well aware as I am myself, that in one way or another that system is absolutely doomed.

Question put.

The House divided:—Ayes 289; Noes 231: Majority 58.

Main Question put, and agreed to.

Bill read the third time, and passed.

AYES.

Acland, T. D.	Callan, P.	Dowse, R.	Jessel, G.
Adair, H. E.	Campbell, H.	Duff, M. E. G.	Johnston, A.
Agar-Ellis, hon. L. G. F.	Candlish, J.	Duff, R. W.	Johnstone, Sir H.
Amcotts, Col. W. C.	Cardwell, rt. hon. E.	Dundas, F.	King, hon. P. J. L.
Anderson, G.	Carington, hn. Capt. W.	Edwardes, hon. Col. W.	Kinnaird, hon. A. F.
Anstruther, Sir R.	Carnegie, hon. C.	Edwards, H.	Lambert, N. G.
Antrobus, Sir E.	Carter, Mr. Alderman	Egerton, Capt. hon. F.	Lancaster, J.
Armitstead, G.	Cartwright, W. C.	Ellice, E.	Lawrence, Sir J. C.
Ayrton, rt. hon. A. S.	Castlerosse, Viscount	Enfield, Viscount	Lawrence, W.
Aytoun, R. S.	Cave, T.	Ennis, J. J.	Lawson, Sir W.
Bagwell, J.	Cavendish, Lord F. C.	Erskine, Admiral J. E.	Lea, T.
Baines, E.	Cavendish, Lord G.	Ewing, H. E. C.	Leatham, E. A.
Baker, R. B. W.	Chadwick, D.	Eykyn, R.	Leeman, G.
Barclay, A. C.	Cholmeley, Captain	Fagan, Captain	Lefevre, G. J. S.
Bass, A.	Cholmeley, Sir M.	Finnie, W.	Lloyd, Sir T. D.
Baxter, W. E.	Clay, J.	FitzGerald, right hon.	Loch, G.
Bazley, Sir T.	Clifford, C. C.	Lord O. A.	Locke, J.
Beaumont, Captain F.	Cogan, rt. hon. W. H. F.	Fitzmaurice, Lord E.	Lorne, Marquess of
Beaumont, H. F.	Colebrooke, Sir T. E.	Fitzwilliam, hn. C. W. W.	Lowe, rt. hon. R.
Beaumont, S. A.	Collier, Sir R. P.	Fletcher, I.	Lubbock, Sir J.
Beaumont, W. B.	Colman, J. J.	Foljambe, F. J. S.	Luak, A.
Bentall, E. H.	Colthurst, Sir G. C.	Fordyce, W. D.	Lyttelton, hon. C. G.
Biddulph, M.	Corrigan, Sir D.	Forster, C.	MacEvoy, E.
Blennerhassett, Sir R.	Cowen, J.	Forster, rt. hon. W. E.	M'Clellan, J. R.
Bolckow, H. W. F.	Cowper, hon. H. F.	Foster, W. H.	M'Clure, T.
Bonham-Carter, J.	Cowper - Temple, right	Fortescue, rt. hon. C. P.	M'Lagan, P.
Bouverie, rt. hon. E. P.	hon. W.	Fortescue, hon. D. F.	Magniac, C.
Bowring, E. A.	Craufurd, E. H. J.	Fothergill, R.	Maguire, J. F.
Brady, J.	Crawford, R. W.	Fowler, W.	Marling, S. S.
Brand, rt. hon. H.	Dalglish, R.	Gavin, Major	Matheson, A.
Brand, H. R.	Dalrymple, D.	Gladstone, rt. hn. W. E.	Melly, G.
Brewer, Dr.	Dalway, M. R.	Gladstone, W. H.	Merry, J.
Bright, J. (Manchester)	Davie, Sir H. R. F.	Goldsmid, Sir F.	Miall, E.
Bruckman, Captain	Davies, R.	Goldsmid, J.	Milbank, F. A.
Bristowe, S. B.	Dease, E.	Goschen, rt. hon. G. J.	Miller, J.
Brocklehurst, W. C.	Delahunty, J.	Gourley, E. T.	Mitchell, T. A.
Brogden, A.	Denman, hon. G.	Gower, hon. E. F. L.	Monk, C. J.
Brown, A. H.	Dent, J. D.	Graham, W.	Monseil, rt. hon. W.
Browne, G. E.	Dickinson, S. S.	Greville - Nugent, hon.	Morgan, G. O.
Bruce, rt. hon. Lord E.	Digby, K. T.	G. F.	Morley, S.
Bruce, rt. hon. H. A.	Dillwyn, L. L.	Grey, rt. hon. Sir G.	Morrison, W.
Bryan, G. L.	Dixon, G.	Grieve, J. J.	Mundella, A. J.
Buckley, N.	Dodds, J.	Grosvenor, Capt. R. W.	Murphy, N. D.
Buller, Sir E. M.	Dodson, J. G.	Grosvenor, hon. N.	Nicol, J. D.
Cadogan, hon. F. W.	Downing, M'C.	Grosvenor, Lord R.	O'Brien, Sir P.
		Grove, T. F.	O'Connor, D. M.
		Guest, M. J.	O'Connor Don, The
		Hamilton, J. G. C.	Ogilvy, Sir J.
		Hanmer, Sir J.	O'Loghlen, rt. hon. Sir
		Harcourt, W. G. G. V. V.	C. M.
		Hardeastle, J. A.	Onslow, G.
		Hartington, Marquess of	O'Reilly-Dease, M.
		Haviland-Burke, E.	Otway, A. J.
		Henderson, J.	Palmer, J. H.
		Henley, Lord	Palmer, Sir R.
		Henry, M.	Parker, C. S.
		Herbert, hon. A. E. W.	Parry, L. Jones
		Heron, D. C.	Pease, J. W.
		Hibbert, J. T.	Peel, A. W.
		Hoare, Sir H. A.	Pelham, Lord
		Hodgkinson, G.	Phillips, R. N.
		Hodgson, K. D.	Platt, J.
		Holland, S.	Playfair, L.
		Holms, J.	Plimsoll, S.
		Howard, hon. C. W. G.	Portman, hon. W. H. B.
		Hughes, T.	Potter, E.
		Hughes, W. B.	Potter, T. B.
		Hurst, R. H.	Power, J. T.
		Hutt, rt. hon. Sir W.	Ramsden, Sir J. W.
		Illingworth, A.	Rathbone, W.
		James, H.	Reed, C.
		Jardine, R.	Robertson, D.

Roden, W. S.
 Rothschild, N. M. de
 Russell, A.
 Russell, F. W.
 Rylands, P.
 St. Aubyn, J.
 Salomons, Sir D.
 Samuda, J. D'A.
 Samuelson, B.
 Samuelson, H. B.
 Sartoris, E. J.
 Saunderson, E.
 Seymour, A.
 Shaw, W.
 Sheridan, H. B.
 Sherlock, D.
 Sherriff, A. C.
 Simon, Mr. Serjeant
 Smith, E.
 Staapole, W.
 Stanley, hon. W. O.
 Stansfeld, rt. hon. J.
 Stapleton, J.
 Stepney, Colonel
 Stevenson, J. C.
 Stone, W. H.
 Storks, rt. hon. Sir H. K.
 Strutt, hon. H.
 Stuart, Colonel
 Sturt, Lt.-Col. N.
 Sykes, Colonel W. H.
 Taylor, P. A.

Tollemache, hon. F. J.
 Torrens, R. R.
 Tracy, hon. C. R. D.
 Ilanbury-
 Trevelyan, G. O.
 Vandeleur, Colonel
 Verney, Sir H.
 Villiers, rt. hon. C. P.
 Vivian, A. P.
 Vivian, Capt. hn. J. C. W.
 Walter, J.
 Waters, G.
 Wedderburn, Sir D.
 Weguelin, T. M.
 Wells, W.
 West, H. W.
 Whatman, J.
 Whitbread, S.
 White, J.
 Whitworth, T.
 Williams, W.
 Williamson, Sir H.
 Willyams, E. W. B.
 Wingfield, Sir C.
 Winterbotham, H. S. P.
 Woods, H.
 Young, A. W.
 Young, G.

TELLERS.

Glyn, hon. G. G.
 Adam, W. P.

NOES.

Akroyd, E.
 Allen, Major
 Amplett, R. P.
 Annesley, hon. Col. H.
 Anson, hon. A. H. A.
 Arbuthnot, Major G.
 Archdale, Captain M.
 Arkwright, A. P.
 Arkwright, R.
 Assheton, R.
 Baggallay, Sir R.
 Bagge, Sir W.
 Bailey, Sir J. R.
 Ball, J. T.
 Baring, T.
 Barnett, H.
 Barrington, Viscount
 Barttelot, Colonel
 Bateson, Sir T.
 Bathurst, A. A.
 Beach, Sir M. H.
 Beach, W. W. B.
 Beotive, Earl of
 Bentinck, G. C.
 Bentinck, G. W. P.
 Benyon, R.
 Beresford, Lt.-Col. M.
 Bingham, Lord
 Birley, H.
 Booth, Sir R. G.
 Bourke, hon. R.
 Bourne, Colonel
 Bright, R.
 Broadley, W. H. H.
 Brooks, W. C.
 Bruce, Sir H. H.
 Bruen, H.

Burrell, Sir P.
 Bury, Viscount
 Buxton, Sir R. J.
 Cameron, D.
 Cartwright, F.
 Cave, right hon. S.
 Cawley, C. E.
 Cecil, Lord E. H. B. G.
 Chaplin, H.
 Charley, W. T.
 Child, Sir S.
 Clive, Col. hon. G. W.
 Clowes, S. W.
 Cochrane, A. D. W. R. B.
 Collins, T.
 Corbett, Colonel
 Corry, rt. hon. H. T. L.
 Crichton, Viscount
 Croft, Sir H. G. D.
 Cross, R. A.
 Cubitt, G.
 Dalrymple, C.
 Damer, Capt. Dawson-
 Davenport, W. B.
 Denison, C. B.
 Dick, F.
 Dickson, Major A. G.
 Dimsdale, R.
 Disraeli, rt. hon. B.
 Dowdeswell, W. E.
 Duncombe, hon. Col.
 Du Pre, G. C.
 Dyke, W. H.
 Dyott, Colonel R.
 Eaton, H. W.
 Egerton, hon. A. F.
 Egerton, Sir P. G.

Egerton, hon. W.
 Elcho, Lord
 Elliot, G.
 Elphinstone, Sir J. D. H.
 Feilden, H. M.
 Fielden, J.
 Fellowes, E.
 Figgins, J.
 Finch, G. H.
 Floyer, J.
 Forester, rt. hon. Gen.
 Fowler, R. N.
 Garlies, Lord
 Gilpin, Colonel
 Goldney, G.
 Gooch, Sir D.
 Gordon, E. S.
 Gore, J. R. O.
 Gore, W. R. O.
 Gray, Lieut.-Colonel
 Greaves, E.
 Greene, E.
 Gregory, G. B.
 Guest, A. E.
 Hambro, C.
 Hamilton, Lord C.
 Hamilton, Lord G.
 Hamilton, I. T.
 Hamilton, Marquess of
 Hardy, rt. hon. G.
 Hardy, J.
 Hardy, J. S.
 Hay, Sir J. C. D.
 Henley, rt. hon. J. W.
 Herbert, rt. hon. Gen.
 Sir P.
 Hermon, E.
 Hervey, Lord A. H. C.
 Hesketh, Sir T. G.
 Heygate, Sir F. W.
 Hick, J.
 Hildyard, T. B. T.
 Hill, A. S.
 Hodgson, W. N.
 Holford, J. P. G.
 Holford, R. S.
 Holmesdale, Viscount
 Holt, J. M.
 Hood, Cap. hn. A. W. A. N.
 Hope, A. J. B. B.
 Hunt, rt. hon. G. W.
 Hutton, J.
 Jackson, R. W.
 Jenkinson, Sir G. S.
 Jervis, Colonel
 Jones, J.
 Kavanagh, A. MacM.
 Kekewich, S. T.
 Kennaway, J. H.
 Kingscote, Colonel
 Knight, F. W.
 Knightley, Sir R.
 Knox, hon. Colonel S.
 Lacon, Sir E. H. K.
 Langton, W. G.
 Learmonth, A.
 Legh, W. J.
 Lennox, Lord G. G.
 Lennox, Lord H. G.
 Liddell, hon. H. G.
 Lindsay, hon. Col. C.
 Lindsay, Colonel R. L.

Lowther, J.
 Lowther, W.
 Mahon, Viscount
 Malcolm, J. W.
 Manners, rt. hn. Lord J.
 Manners, Lord G. J.
 March, Earl of
 Matthews, H.
 Mellor, T. W.
 Milles, hon. G. W.
 Mills, C. H.
 Mitford, W. T.
 Monckton, F.
 Montagu, rt. hn. Lord R.
 Montgomery, Sir G. G.
 Morgan, C. O.
 Morgan, hon. Major
 Mowbray, rt. hon. J. R.
 Neville-Grenville, R.
 Newdegate, C. N.
 Newport, Viscount
 Noel, hon. G. J.
 North, Colonel
 Northcote, rt. hn. Sir S. II.
 O'Neill, hon. E.
 Paget, R. H.
 Pakington, rt. hn. Sir J.
 Palk, Sir L.
 Parker, Lt.-Col. W.
 Patten, rt. hon. Col. W.
 Peek, H. W.
 Pell, A.
 Pemberton, E. L.
 Percy, Earl
 Phipps, C. P.
 Plunket, hon. D. R.
 Powell, W.
 Raikes, H. C.
 Read, C. S.
 Ridley, M. W.
 Round, J.
 Royston, Viscount
 Russell, Sir W.
 Sackville, S. G. S.
 Sandon, Viscount
 Selater-Booth, G.
 Scourfield, J. H.
 Seely, C. (Nottingham)
 Selwin-Ibbetson, Sir H. J.
 Shirley, S. E.
 Simonds, W. B.
 Smith, A.
 Smith, R.
 Smith, S. G.
 Smith, W. H.
 Somerset, Lord H. R. C.
 Stanley, hon. F.
 Starkie, J. P. C.
 Steere, L.
 Straight, D.
 Sturt, H. G.
 Sykes, C.
 Talbot, C. R. M.
 Talbot, J. G.
 Talbot, hon. Captain
 Taylor, rt. hon. Col.
 Thynne, Lord H. F.
 Tipping, W.
 Tollemache, J.
 Tomline, G.
 Turner, C.
 Turnor, E.

Vance, J.	Williams, Sir F. M.
Verner, E. W.	Winn, R.
Walker, Major G. G.	Wyndham, hon. P.
Walpole, hon. F.	Wynn, C. W. W.
Walsh, hon. A.	Wynn, Sir W. W.
Waterhouse, S.	
Welby, W. E.	TELLERS.
Wethered, T. O.	Graves, S. R.
Wharton, J. L.	Lopes, Sir M.

LUNATICS (IRELAND) BILL.

On Motion of Sir DOMINIC CORRIGAN, Bill to amend the Law relating to dangerous Lunatics and dangerous Idiots in Ireland, and to make more effectual provision for the Superannuation of the Officers of District Lunatic Asylums in Ireland, *ordered* to be brought in by Sir DOMINIC CORRIGAN, Mr. M'CLURE, and Mr. PLUNKET.

Bill *presented*, and read the first time. [Bill 222.]

MERCHANT SHIPPING ACTS AMENDMENT BILL.

Acts read; *considered* in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Merchant Shipping Acts.

Resolution *reported*:—Bill *ordered* to be brought in by Mr. CHICHESTER FORTESCUE and Mr. ARTHUR PERL.

Bill *presented*, and read the first time. [Bill 221.]

House adjourned at half after
Two o'clock.

HOUSE OF LORDS,

Tuesday, 4th July, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Army Regulation (237); Factories and Workshops Act Amendment* (239).

Second Reading—Prevention of Crime (207); Bath City Prison* (80); Owens College* (211); Metropolitan Board of Works (Loans)* (201).

Committee—Petroleum* (189-238).
Report—Judicial Committee of Privy Council (233).

Third Reading—Pier and Harbour Orders Confirmation (No. 2)* (176); Juries (Ireland)* (221), and *passed*.

Withdrawn—Justices of the Peace Qualification (188).

ARMY REGULATION BILL—(No. 237.)

FIRST READING.

Bill brought from Commons.

Moved, "That the Bill be now read 1st."

EARL GREY said, that hitherto only two or three Bills of any importance had come up from the other House, and whereas during the early part of the

Session their Lordships had comparatively little business, there was now a prospect of their being so overloaded with a variety of important measures that it would be impossible to give them proper consideration. Were this the only Bill of importance to come before their Lordships he would say nothing; but it was understood that the Government hoped to send up at least two other measures of very great importance, the details of which would require careful consideration, and which would occupy considerable time. He understood, however, that these measures were not likely to come up to their Lordships for another fortnight or three weeks. Now, his noble Friend (Earl Granville) had more than once urged that the complaint on this point was unreasonable, it being the duty of the Members of the House to attend as long as their services were required. He believed that all of their Lordships were prepared to sacrifice their private convenience for the sake of the public advantage; but the evil was that at a late period of the Session important measures could not receive such consideration as to guard against hasty and imperfect legislation. Not only was it difficult to obtain the attendance of their Lordships when the Session had lasted six or seven months, but in the other House it was still more difficult to obtain a proper attendance, so that their Lordships' Amendments might have justice done them. Within the last three or four years important measures had been lost through the impossibility of their Lordships' Amendments being properly considered. To remedy this crying evil some had proposed that a larger number of measures should be initiated in their Lordships' House; but from its constitution that House, with the exception of particular classes of Bills which might usefully begin here, was more suitable for re-considering and revising than for originating legislation, and he feared no great amount of time would be saved by the introduction of important measures here in the first instance. If, then, measures for the most part were not to originate in their Lordships' House, there was only one other mode of remedying the compulsory idleness of their Lordships early in the Session, followed by the exaggerated demand on their time and attention at the end of

the Session. It should be provided that Bills which passed through the other House at too late a period for them to be properly considered here should be reserved for a subsequent Session. The late Lord Derby introduced a Bill providing for the revival in another Session of Bills which had begun in either House, but had not been considered by the other. This Bill passed through this House, but was not assented to by the other; and he (Earl Grey) admitted that the objections to it were by no means groundless. The forms of procedure in both Houses now rested on usage and Standing Orders, and there was a strong feeling against any statutory regulation of the forms of legislation. If, however, the House of Commons was inclined to show their Lordships due consideration in this matter, they might provide that whenever a Bill passed through that House too late, in their judgment, for its due consideration here, it might be suspended till the following Session. In the event of such a decision, the Bill might be re-introduced in the same shape and might by a single vote be re-affirmed and sent up to their Lordships. By this simple expedient the evil now complained of might to some extent be removed. There were reasons for considering the propriety of such a course this year. The Bills to which he had referred were, as he had said, of such a nature as to require great consideration. One of them related to the mode of conducting municipal and Parliamentary elections. It was not confined to the Ballot, but raised a large number of important questions, which required mature consideration. Nobody could doubt that legislation was called for and that abuses existed which should be removed; but the matter was as difficult as it was important. Were such a Bill to come up to their Lordships at the end of this month or the beginning of next, he should hold it their duty—even were he favourable to its provisions, which he confessed he was not—not to consider it at so late a period. He should, however, much regret the failure of such a measure not on its merits, but on account of want of time, and it would be very desirable, were the Bill sanctioned by the House of Commons, that its consideration by their Lordships should be suspended till next year. There was no reason to think a General

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Election was impending, and a few months of delay would be of no importance. Were it simply rejected here the whole thing would have to be done over again in the House of Commons; whereas, were its consideration suspended, it might be sent up by a single vote, allowing the other House to attend to finance and other matters which always came before them at the beginning of the Session, and giving their Lordships important business to the relief of the end of the Session. The same remark applied to the Scotch Education Bill, to the object of which all were favourable, while there were great differences of opinion as to how it could best be attained. It would raise many important questions, which could not be considered without a fair command of time. He believed that by the course he had suggested legislation would be more satisfactorily accomplished. He asked for no immediate opinion from the Government; but he entreated them to consider whether by such a course a laborious Session might not be prevented from becoming less productive than it ought to be, whereas these subjects would otherwise stand in the way of other useful legislation by the other House in another and, perhaps, several Sessions.

Motion agreed to; Bill read 1st, and to be printed. (No. 237.)

JUSTICES OF THE PEACE QUALIFICATION BILL—(No. 188.)

(The Earl of Albemarle.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF ALBEMARLE, in moving that the Bill be now read the second time, said, its object was to repeal so much of the 18th *Geo. II.*, c. 20, as required a certain qualification in land in respect of property for Justices of the Peace. That qualification was contemporaneous with another Act which imposed a like qualification on Members of Parliament, and dated from the reign of Henry VI., when our forefathers were burning the Maid of Orleans as a witch. Other effete enactments of this kind had been repealed, and this ought to be likewise swept away—more especially as the increasing burdens of magistrates had

induced a reluctance among the landed gentry to accept the office, and it was sometimes difficult to obtain a sufficient number of unexceptionable persons to discharge the duties of a Petty Sessional Court. It appeared, by a Return which had been laid before Parliament, that a very large number of clergymen held the office of Justice of the Peace:—and this seemed to him (the Earl of Albemarle) quite incompatible with their duties and their sacred office. On the other hand, the landed property qualification excluded the brothers and younger sons of Peers, officers in the Army and Navy, professional and scientific men, wealthy merchants, and even men who had made the law the study of their lives. The property qualifications of Members of Parliament had been abolished, and he could not see why that of Justices of the Peace should not be removed. Even a retired Judge, if he had not saved money and invested it in land, would be ineligible for the office of Justice of the Peace.

Moved, "That the Bill be now read 2".
—(*The Earl of Albemarle.*)

THE LORD CHANCELLOR said, that he regretted that he must oppose the second reading of the noble Earl's Bill. There was no analogy between Justices of the Peace and Members of Parliament. The latter were elected, and it was right that the choice of the electors should be unfettered and should be decisive as to their qualifications; whereas magistrates were nominated by the Crown, and should give some guarantee of fitness. It had been deemed the best security for a county magistrate that he should have a certain landed property qualification; and he thought it might be taken as a pretty clear indication of indisposition to hold the office of Justice of the Peace if a man did not take the trouble to obtain the requisite qualification. So far as he was aware no one, except the noble Earl, had shown any anxiety for the repeal of the Statute of George II. It might be reasonable to consider whether landed property should be the only qualification; but the Bill would repeal it without substituting any other. The object of the qualification was to guard against the appointment of unfit persons and to protect Lords Lieutenant from undue pressure. He would recommend the noble Earl to

direct his efforts towards an amendment of the Act, instead of to its simple abolition. He thought that the noble Earl's remarks as to the disqualification of officers of the Army and Navy deserved consideration. With regard to clerical magistrates, the noble Earl's remark had probably been influenced by the circumstance that in the two counties best known to him they were more numerous than elsewhere; but it had been the rule for many years not to appoint clergymen as magistrates unless it was difficult to obtain other qualified persons.

LORD LYTTTELTON said, that unpaid magistrates should have a substantial stake in the country; but he could testify, as a Lord Lieutenant of long standing, to the inconvenient and embarrassing nature of the present qualification. He should advise the noble Earl to withdraw the present Bill, and introduce another, relaxing some of the present restrictions, and perhaps providing other qualifications.

THE EARL OF ALBEMARLE said, that in deference to the advice of the noble and learned Lord and of his noble Friend, he would withdraw the Bill.

Motion and Bill (by Leave of the House) *withdrawn*.

PREVENTION OF CRIME BILL—(No. 207.)
(*The Earl of Morley.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF MORLEY, in moving that the Bill be now read the second time, said, that this Bill was "an old friend under a new name;" for, in fact, instead of simply amending the Habitual Criminals Act, it had been thought better to re-enact almost all its provisions, remedying any defects in it, and making several changes recommended by experience. As the remarks of the noble Earl opposite (the Earl of Carnarvon) on a previous occasion might have produced an impression that the Act had been nearly inoperative, he felt bound to show that, in spite of verbal and other inaccuracies, it had effected a great amount of good. A register had been carefully kept at the central office in Whitehall of criminals convicted summarily or on indictment of any offence

mentioned in the schedule; every convicted criminal was photographed, and copies of the photographs sent up to the central office, and thence distributed over the country. The numbers were certainly appalling. Between the 11th of December, 1869, when registration commenced, and the 31st of December, 1870, no less than 35,633 persons were registered. As to supervision, between the 11th of December, 1869, and the 15th of June, 1871, 2,080 prisoners had been released and were under supervision, while many sentences passed on persons who would hereafter be subject to supervision were, of course, still unexpired. As to those who were convicted, and who would at the expiration of their sentence be subject to police supervision, the numbers amounted to 3,511 last year. The clauses of the Habitual Criminals Act with reference to houses that harboured thieves had proved extremely beneficial. In 1869 the number of such houses was 1,962, and in the following year it was reduced to 1,753. The publichouses of bad character in 1870 were 21 per cent less than in 1869, and the beerhouses of bad character were in 1870 51 per cent less than in 1869. These results were attributable to the joint operation of the Habitual Criminals Act and the Beerhouses Act of 1869. In the year before the Habitual Criminals Act was passed the number of persons who received stolen goods was 1,037, in the year after it came into operation the number was reduced to 960. Taking an average of five years before 1869 he found that in 1870 there was a decrease of 55 per cent in that class. He trusted that these figures to a certain extent proved that the Habitual Criminals Act had been really beneficial to the country, and that the provisions which it contained had been honestly and successfully carried out. But it might be asked why if the Act had been so successful should they be now asked to amend it? The fact was that owing to the Amendments which had been inserted in that measure during its progress through the Legislature many inaccuracies crept into it, which rendered it extremely difficult to work some clauses, and impossible to carry others into effect. It was with the view of remedying these defects that this Bill was introduced. The Returns of the Inspectors of Prisons showed that in 1843, when the population of England was

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16,300,000, the criminals sentenced to penal servitude or transportation amounted to 4,488; that in 1852, when the population was 18,000,000, those so sentenced were 2,896; whereas in 1869, when transportation was at an end, and when the population was 22,000,000, the criminals sentenced to penal servitude amounted to 2,006 only. That certainly must be re-assuring to those who had an idea that crime was increasing in this country. He believed that the facilities for the detection of crime, increased education, and the charitable institutions in which the noble Earl opposite (the Earl of Shaftesbury) took so much interest had, to an immense extent, repressed crime in this country. The main alteration in the provisions of the first part of the Bill had reference to holders of licenses. One of them would oblige the holders of tickets-of-leave or convicts who had been released on license to report themselves monthly to the police, and also to report their changes of residence. The subject of this monthly reporting had been most carefully considered; evidence had been taken from all those who were capable of giving the most valuable evidence on the subject, including several agents of Prisoners' Aid Societies (13 out of 16 of whom were in favour of the change), and the result was that the Government had determined to insert in this Bill a clause for the revival of this monthly reporting. It was objected that a person who employed a released convict would find out that he was known to the police if he had to report himself monthly to the police, and the result would be the discharge of the released convict from employment. But the opinion of persons competent to pronounce an opinion on that subject was almost unanimously on the opposite side of the question. He had the opinion of a police officer of experience in favour of criminals being compelled to report themselves to the police once a month, and to give information when they changed their residence. Not only would these provisions enable the police to keep a more efficient supervision over the criminal class, but from the very fact of the report being made once a month a very slight investigation would be sufficient to show to the police whether the convict was getting his living honestly or not. Moreover, it was intended that the re-

port might, according to the direction of the chief officer of police of the district, be made either personally or by letter, and to the chief officer himself or to any person whom he might name—thus avoiding any personal interference with those whom the police knew to be obtaining their living honestly. He could not pass from this part of the subject without paying a well deserved tribute of praise to the various Prisoners' Aid Societies, which were doing a large amount of good. Thus out of 800 male prisoners discharged in the past year 312 were assisted by these societies, of which there were 38 altogether actively engaged; and out of 250 female prisoners discharged during the same period 191 were assisted by them. It was only due to these truly charitable associations that the good work they were doing should be made known to the public at large. The other provisions of the Bill might be disposed of in a few words. It was provided that a register of all persons convicted of crime in England and Ireland should be kept in London and Dublin under the management of the respective Chief Commissioners of Police; that Returns should be made by every Governor of a gaol of the persons convicted of crime who should come into his custody, and by every chief officer of police of the persons convicted of crime within his district; that all prisoners convicted of crime confined in any prison in England and Ireland should be photographed, under proper regulations as to dress, &c. This process of photographing prisoners had proved very useful for the prevention and detection of crime. At present it was not done in all gaols: this Bill would make the practice uniform, and would regulate the distribution of the portraits. Another important provision of the Bill was this—any person who had been twice convicted of crime on indictment was declared guilty of an offence against this Act and made liable to a year's imprisonment, with or without hard labour, who should within seven years of the expiring of his last sentence be convicted before a court of summary jurisdiction of certain offences named in the section—such as that he was getting his livelihood by dishonest means, giving a false name and address—being found in any place under circumstances to justify the suspicion that he was about to commit an offence, or

being found in any dwelling-house or premises under circumstances to justify suspicion. By another clause any persons who should be twice convicted might, in addition to any other penalty, be placed under the supervision of the police for seven years, or any shorter period, during which he would be under precisely the same regulations as persons at large on license. The Bill also provided penalties for harbouring thieves, for assaults on the police. By another the children of convict women, being under 14 years of age were placed under the provisions of the Industrial Schools Act. On almost all other points the Bill was a mere transcript of the existing Act, with the exception of certain matters of procedure. He proposed that their Lordships should go into the Bill *pro forma* on Thursday next in order that it might be printed as amended, and then that some future day should be fixed for considering it in Committee.

Moved, "That the Bill be now read 2^d."
—(*The Earl of Morley*.)

THE EARL OF CARNARVON said, he regarded the Bill as one of considerable importance, and he was glad to be able to offer his congratulations to the noble Earl opposite on his having at length introduced such a measure:—although it was to be regretted that it had not been introduced at an earlier period of the Session, when there might have been a greater chance of its passing through the other House of Parliament before the end of the Session. He had also to make his acknowledgments to the noble Earl for the handsome manner in which he had recognized the fact that the Amendments upon the Habitual Criminals Act contained in this Bill, which he had brought before Her Majesty's Government, had been at last accepted by them. He was afraid, however, that he could scarcely join in the praise the noble Earl had bestowed upon the working of the Habitual Criminals Act. The noble Earl had quoted statistics to show that a number of publichouses frequented by thieves had been shut up, and that the number of receivers of stolen goods had diminished; but he had failed to show any connection between these results and the operation of the Habitual Criminals Act—upon which point he himself entertained some doubt, inasmuch as the noble Earl himself had acknowledged

earlier in the Session that parts of that measure were unworkable;—the Judges having declared certain of its clauses inoperative, and because the system of supervision which really formed the essence of the Act could not be carried out. He approved the restoration of the clause requiring monthly reports, and he did not condemn the division of criminals into two classes for the purpose of supervision. By requiring the discharged prisoners to make these periodical reports the system of supervision would be changed from being a sham into a reality. On a former occasion he had urged that power should be taken by the Secretary of State to intrust the registration of discharged criminals, not only to the Chief Commissioner of Police, but to any other person whom he might select, and that there should be an officer specially told off for that particular purpose. That suggestion was not attended to at the time; but he now saw that a clause of the Bill would enable any person appointed by the Chief Commissioner of Police to take the register. Hitherto we had allowed the valuable services of the Prisoners' Aid Societies and of the clergyman of the parish to remain unused, and he thought the present provision would be found very valuable in many cases. He also approved the provisions as to registration; but he must remind them that it was not enough to establish a registration of that kind unless the Government saw that it was worked satisfactorily, and the responsibility would rest on them to make it such as it should be. Some parts of that measure would require consideration when they got into Committee; but he hailed the Bill, as a whole, with extreme satisfaction, and trusted that it would not be allowed to miscarry through having been introduced so late in the Session.

LORD HOUGHTON said, that so far from thinking that the Habitual Criminals Act had been a success, he had come to the conclusion that it had rather proved a failure; and that it was not by extending its principle or by making its provisions more severe that they could hope to arrive at a satisfactory result. It had been supposed that by the operation of that measure they were to get hold of all the habitual criminals of the country, and to concentrate them into a condensed criminal class whom they could

effectually control and restrain; but he believed that, although there never was a time when the police were more energetic or more admirably organized than at present, still there never was a time when our habitual criminals seemed to be more difficult to catch, or their operations to be more completely shrouded in mystery. It might have been thought that under the provisions of the Habitual Criminals Act such robberies as those recently committed at the house of Mr. Wentworth Beaumont and other places would have been prevented; but, so far from that measure enabling them to apprehend such very ingenious criminals, he believed there was hardly a single instance in which they had been found out. He feared that by concentrating their habitual criminals into a seething mass, and allowing them no means of mixing themselves up with the honest population, they had rendered the criminal class more powerful for evil than they were before. It was now proposed to require everyone of those persons who held a license under the Penal Servitude Acts to report himself to the police 84 times before he was allowed to return to the normal condition of society. He should move the rejection of that provision in Committee, believing it to involve an infringement of the liberty of the subject, and that it would render it impossible for a criminal to return to an honest course of life. He approved of those parts of the Bill which were intended to make the agency of the police more effective. He should have liked to see the penalties for assaults on the police made much more heavy. The police were at present placed in a most difficult and painful position. They were liable to be attacked under circumstances of great brutality, and no adequate provision existed for their proper protection. Yet even under this Bill a young man of fortune might knock down and ill-use a policeman and get off by paying a fine of £20. He thought the fine inflicted in such cases should be heavier, and the period of imprisonment increased. He regretted, however, that he could not agree with his noble Friend on the principle of the Bill, for he was of opinion that considering the increase of population in this country there had been no correlative increase of crime.

THE EARL OF KIMBERLEY confessed himself exceedingly puzzled as to which

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of the two opposite theories broached by the two noble Lords who had spoken last in regard to the Habitual Criminals Act was the true one—namely, the theory that the Act had been entirely inoperative, or the theory that it had been so frightfully operative that it had concentrated the whole criminal population of the country into one seething mass. His noble Friend behind him (Lord Houghton) had another objection—he said the Bill would infringe the liberty of the subject. But surely to confound the liberty of the criminal with the liberty of the subject was a very extraordinary argument. Surely the Legislature was not required to treat the criminal and the law-abiding subject alike, and it could not be maintained that regulations for controlling the criminal population should not be made for fear of interfering with the liberty of the subject?

LORD HOUGHTON said, he objected to the supervision after the expiring of the sentence.

THE EARL OF KIMBERLEY said, the supervision was part of the sentence. The Act, no doubt, had not been as successful as it might have been if there had not been some mistakes in it which prevented it from working as well as it might otherwise have done. He did not, on the other hand, admit that it had no effect at all; nothing was more difficult than to trace the operation of a law upon particular classes of people, and it did not follow because there had been some remarkable robberies in London that the police were inefficient. Their Lordships must bear in mind that the circumstances of the country were different with regard to criminals from what they formerly were when criminals were sent beyond the sea. Now, a large number of them were sentenced to remain in the country, and were afterwards released in it. The existence of this criminal class was a new fact arising within these few years; and new evils had to be met by new remedies. The Bill was distinct and intelligible, and he trusted it would meet with the approbation of the House.

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

JUDICIAL COMMITTEE OF PRIVY
COUNCIL BILL—(Nos. 212-233.)
(*The Lord Chancellor.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

LORD CAIRNS, who had given Notice of an Amendment to insert at end of the clause the words following:—

("It shall be the duty of every person appointed to act as a paid member of the Judicial Committee under this Act to attend the sittings of the said Committee when summoned thereto unless he shall be prevented by reasonable cause; and every such person shall have the same title to continue to receive the salary hereby provided for him as if he were a judge of one of the Superior Courts holding office during good behaviour but removable by Her Majesty upon an Address of both Houses of Parliament; provided that nothing herein contained shall give to any such person any title to hold or continue in the office of Privy Councillor other than the title which he would have had if this Act had not passed,")

said, that though he approved of the principle of the Bill, he thought there were some objections which might impede its coming into practical operation. In the first place, the Judges of the Superior Courts, both of law and equity, were provided with a staff of officers and clerks who were necessary to the performance of their duties. Some of these Judges were now to be transferred to a Court where no such assistance was provided. In the next place, it was proposed to offer to Judges whose tenure of office was thoroughly well defined a position which would be held by them only during the pleasure of the Crown; because as it was required that any persons who should be appointed members of the Judicial Committee should be Privy Councillors, and the Crown could at pleasure remove their names from the Privy Council, they did in effect hold their appointment at the pleasure of the Crown. In addition to this, the cause of the Judges' punctual attendance in their own Courts had been entirely overlooked; but the fact was Judges held office during good behaviour, and it was not good behaviour to be absent during the sitting of their Court. They first of all, as it appeared to him, fell into the serious error of saying nothing about the tenure of office of the Judges; and, having said nothing about that subject, they then inserted an offensive condition by which the Lord President of the

Privy Council was to determine whether if one of these appointed members omitted to attend the sittings of the Committee after having been duly summoned, the excuse he might offer for his non-attendance was a reasonable one or not; and if he thought not he might certify such omission to Her Majesty, and thereupon the salary of the member would cease, and a new member might be appointed: in other words, the Lord President of the Council had the power of removing a paid member of the Judicial Committee if, under certain circumstances, he should deem it expedient—a condition which was utterly unconstitutional, and one to which no Judge of the Superior Courts would, he believed, be willing to submit. Again, assuming that the Crown appointed to this tribunal one of the Lord Justices, a Puisne Judge, and two Indian Chief Justices, they would have sitting side by side, and determining the same causes, men in receipt of £6,000, £5,000, and £3,500. Nor was that the worst feature of the disparity, for the Indian assessors would actually have a salary of only £400 a-year. Though these discrepancies in salary were extraordinary enough, the matter was essentially one for the consideration of the Government; but with reference to the office of the Judges, he should ask their Lordships to insert words which would insure our present judicial system being adhered to. The noble and learned Lord then moved, in page 1, line 28, to leave out from ("salary") to ("and") in page 2, line 1.

THE LORD CHANCELLOR said, that the suggestions made by his noble and learned Friend (Lord Cairns) had not been overlooked in framing this Bill—indeed, everyone of them had been carefully considered. The Bill itself was a Bill drawn for the purpose of meeting an emergency, correctly described on a former occasion by his noble and learned Friend opposite (Lord Westbury) as one of a very pressing character, and it was not to be regarded as a Bill to provide permanently for the Judicial Committee of the Privy Council. The first objection raised by his noble and learned Friend that evening was, that the learned Judges who were to perform the important duties of sitting on the Judicial Committee would not be provided with clerks. He was somewhat surprised at hearing such an objection

from his noble and learned Friend, because his noble and learned Friends sitting around him, who rendered their Lordships such valuable assistance in determining the appeals which came up to the Bar of their Lordships' House, performed their duties without the assistance of clerks or officers; yet he had never found that they shrank from their duties, or were subjected to any inconvenience from the want of such assistance. Moreover, a common law Judge transferred to the Judicial Committee would be relieved from the expense of going circuit, and, from the £500 or £600 thus saved, could afford to employ a clerk if he required one. None of the members of the Committee of Privy Council was provided with a clerk except the Lord Justice, and he did not enjoy that advantage in his capacity of being a member of the Judicial Committee. The fact was, that when the Judicial Committee was constituted it was formed with the idea of having the assistance of the Judges of the Superior Courts, who had retired upon pensions, who it was supposed would be willing to take upon themselves the duties of Judges in so high a Court in consideration of the pensions already awarded to them, and of the high rank of Privy Councillors. That arrangement worked very well until age and infirmity prevented some of the learned Judges from any longer discharging the duties which they had hitherto willingly performed; and from the pressure of circumstances, a different arrangement had become necessary. It was not his view that because the Judges of the Judicial Committee had not clerks there would be any real difficulty in getting Judges to accept the appointment. The next objection was as to the tenure of the Judges. The great difficulty in the way of assenting to the Amendment of the noble and learned Lord lay here. The Judges of the existing courts could not be removed except by an Address from both Houses of Parliament to the Crown; but the Crown was entitled to remove anybody from the Privy Council. To say that the learned Judges proposed by the Bill should have the same tenure as the Judges of the higher Courts was to say that they would not be removable except by an Address of both Houses of Parliament—in other words, that the Crown should not have the power of

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removing them except on such an Address. The effect of that was to take away from the Crown its right of removing anyone from the Privy Council, which was a sufficient reason for not acceding to the Amendment of the noble and learned Lord. But as since 1834 the High Court of Appeal had been subject to removal, and the qualification of holding during good behaviour had not existed, the provision in the Bill was not likely to be attended with any evil result, or practically to interfere with its working. The next point was that there were no mode of terminating the duties of these learned Judges prescribed in the Bill, in the event of their not attending to the duties of their offices. But surely there could be nothing undignified in a Judge requesting, if he thought proper, to be relieved of the arduous duties which he was unable to perform; in which case, of course, he would retire and cease to receive the salary attaching to the office. He must confess that he heard with some regret the remarks made by his noble and learned Friend on the subject of the payment of the Judges. He must say that he preferred the old system, under which a Judge receiving his pension was content, as many of their Lordships were, to attend, without stipulations, and perform constant and arduous duties. As regarded the pay which the Judges would receive, it was not proposed to interfere in any way with the pensions to which they had become entitled by their previous services, but simply to add an uniform sum of £1,500 a-year to the amount of which they were already in receipt. He hoped that Amendments would not be persisted in, which, while they might interfere with the privileges of the Crown, could not fail to throw practical difficulties in the way of the Bill as it stood.

LORD WESTBURY hoped his noble and learned Friend on the Woolsack would accept the Amendment which had been suggested as the easiest way out of the difficulty, remembering the criticism which the Bill would have to undergo in "another place." As regarded the clerks to the Judges, there was this distinction to be observed—that clerks were assigned to Judges ordinarily because they had a large amount of chamber practice; whereas at the Judicial Committee the duties to be discharged were purely official, and the attendance

of clerks became unnecessary. He hoped his noble and learned Friend (Lord Cairns) would not lay any stress upon the difference of salaries between the Judges, this being admitted a temporary expedient intended to meet the present overwhelming necessity, and to be followed hereafter by a measure which it was to be hoped would put the tribunal upon a more fitting basis, both as to position and emoluments. As to the constitution of the Court, it was plain that the limitation of the choice of members to Judges of Westminster Hall, either existing or retired, and to Judges who had held office in the Supreme Court in India, must ultimately be enlarged so as to include within the range of choice Judges of the Superior Courts in Ireland and also in Scotland. At the present moment, the chief pressure existed with regard to the Indian appeals; but hereafter there would obviously be a mass of colonial business for consideration, and it was with regard to these appeals especially that the habits of thought, early training, and practice of the Scotch Judges would enable them to render eminent services. This was not the time for entering into more extensive questions; but his noble and learned Friend who had charge of the Bill would no doubt see the propriety of replacing it as soon as possible with a large and comprehensive measure. It would then be only a matter of common justice that the officers of the Judicial Committee should receive emoluments corresponding to the increased labours they would be called upon to discharge.

LORD ROMILLY said, that nobody thought that the position of any member of the Judicial Committee was in any way affected by the power of the Crown to remove. No doubt in former times the power of the Crown in such matters was of very serious importance when Judges were kept subordinate to the Crown and induced to do unjust and unrighteous things at the bidding of the Crown in order to preserve their offices; but he did not believe that as society was at present constituted, there was the slightest risk that any Judge, whether of the Judicial Committee or of any other Court, would be removed for the exercise of their judicial functions from mere caprice. It was only fit and proper that Judges should be permanent, and that they should not be removed except when

they had been guilty of misconduct that could be ascertained by Parliament; but no person in Westminster Hall would entertain the slightest fear that there was any trenching upon principle if to the Judges who were appointed members of the Judicial Committee nothing was said respecting the time during which they should hold their offices. He desired to point out to the Lord Chancellor the necessity for establishing a *rota* of Judges now that the number of ecclesiastical cases was small. The old practice, if followed, would very much facilitate the constant sitting of the Court.

LORD CHELMSFORD said, there was nothing in this Bill to show that it was of that temporary character described by the Lord Chancellor; but, on the contrary, there was a provision for the appointment of members of the Judicial Committee from time to time. If this Bill was intended to be temporary, it was unlikely that any of the present Judges in the superior Courts would take office as members of the Committee—especially under the circumstances of their very precarious existence. The scheme now before their Lordships would rather lead the Judges not to take office. It was also extraordinary to anticipate that the Judges would be likely to neglect their duty, so that provision had to be made in the most offensive manner for entailing upon them the consequences of such neglect. The new members of the Committee were to be entirely at the discretion of the Lord President, who, if he thought that reasonable excuse for absence was not given, might certify to Her Majesty, and thereupon such member was to lose his salary; and, although it was not said he should be deprived of his office, it was provided that another person should be appointed in his place. That was a most unusual position in which to place the Judge of a High Court. He should also like to know what, when a new system was introduced, was to become of these four members of the Committee? Were they to continue in office, or to retire on a pension? He believed that the greatest difficulty would be experienced in inducing any of the present Judges to accept the appointments.

EARL GRANVILLE thought the noble and learned Lord (Lord Chelmsford) had exaggerated the difficulties that were

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likely to be experienced in obtaining those who would have to take these important duties upon them. He did not think it unreasonable to provide that if a member of the Judicial Committee ceased to attend the sittings his salary should cease and another member be appointed. The Amendment which had been brought forward without Notice was a decided innovation on the existing condition of affairs. He trusted that the noble and learned Lord would not persevere with this Amendment.

After some further remarks,

Further debate adjourned to *Thursday* next.

FACTORIES AND WORKSHOPS ACT AMENDMENT BILL [H.L.]

A Bill to amend the Acts relating to Factories and Workshops—Was *presented* by The Earl of Morley; read 1^a. (No. 239.)

House adjourned at a quarter past Eight o'clock, to *Thursday* next, Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, 4th July, 1871.

MINUTES.]—SELECT COMMITTEE—Euphrates Valley Railway, *nominated*.
PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading—University Tests* (Dublin) [226].
Ordered—First Reading—Glebe Loan (Ireland) Act (1870) Amendment * [225]; *Epping Forest* * [224]; *Salmon Fisheries* (Ireland) (No. 2) * [227].
Report of Select Committee—New Mint Building Site * [No. 334].
Committee—Elections (Parliamentary and Municipal) (*re-comm.*) [103]—*r.p.*; *Landrights and Deeds* (Scotland) * [84], *debate adjourned*.
Report—New Mint Building Site * [176-223].
Considered as amended—Public Libraries (Scotland) Act (1867) Amendment * [209].
Withdrawn—Salmon Fisheries (Ireland) * [147]

The House met at Two of the clock.

NAVY—THE "AGINCOURT."

QUESTIONS.

LORD ROBERT MONTAGU asked the First Lord of the Admiralty, Whether he has received any further intelligence with respect to this vessel?

MR. GOSCHEN: Sir, we have received a telegram, dated 11 o'clock this morning, which is to the following effect:—

"*Agincourt* lightening; no increase of damage. Wind east, but freshening; weather fine."

I have also a telegram dated 91.0 a.m. in reply to one which we sent yesterday asking for information as to the cause of the grounding of the ship. It was as follows:—

"The cause of the *Agincourt's* grounding appears to have been that the regular set of the stream through the gut changes its course near the Pearl, and runs violently towards it; and the ship after passing to westward of Verte Lighthouse was imperceptibly drawn astern, and drawn in towards the land, there being no guide by day after shutting in that mark, except a compass-bearing of Europa Lighthouse, and the estimated distance from the land by the eye. *Agincourt* was leading starboard or inshore column."

That is the answer which the Admiralty have received; but I am bound to say that in the opinion of my naval Colleagues the telegram does not explain why the accident happened, as the dangers of the Pearl Rock are well known to every sailor.

SIR JOHN HAY asked, whether the ship was under sail or steam at the time she grounded?

MR. GOSCHEN: I have no information upon that point. It is remarkable that it should have been omitted; but the belief at the Admiralty is that she was under steam at the time.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (*re-committed*) BILL.—[BILL 103.]
(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*)

COMMITTEE. [*Progress 29th June.*]

Bill considered in Committee.

(In the Committee.)

Motion made, and Question proposed,
"That the Preamble be postponed."

MR. J. FIELDEN rose to move that the Chairman do now leave the Chair. He did so, he said, in order that the House might have a further opportunity of discussing what he must describe as a very important measure. It was quite true that, on Friday last, or rather at 2 o'clock on Saturday morning, the Prime Minister had urged him to address the House; but no one knew better than the right hon. Gentleman that a closely-packed House would not listen to a comparatively new Member at such a time.

He (Mr. Fielden) moved the adjournment of the House; but being defeated on that Motion, he had felt it his duty to take his present course in order to secure a full discussion of so important a subject. He had observed that throughout the whole of the discussions on the Bill no one except the hon. Member for Waterford (Mr. Osborne) had commented on the provisions it contained with respect to the abolition of public nominations and public declarations of the poll. Now, he attached more importance to those provisions than to the clauses which related to the Ballot. The Ballot was simply a mode of taking votes, and it involved no principle. There was, however, a great principle involved in the substitution of hole-and-corner meetings, as were proposed by the Bill, at the nomination of candidates for the open public meetings which were now held. It was said that the Ballot would do away with bribery and intimidation; but he took issue with those who used that argument on both points. So long as there were men who were rich and unscrupulous enough to give large sums of money for seats in that House, and needy men who had votes which they were willing to sell, those two classes would find means of communicating with each other. He had some knowledge of what went on in America, and there they had failed to put a stop to bribery. In the case of an election at New York, for instance, the constituency was divided into a number of sections, over each of which there was a committee. It was necessary to obtain the favour of this committee before a candidate had even a chance of being nominated. This was done by an arrangement that when the candidate got the nomination he should pay a certain sum of money to the committee, and a further sum on his being returned to Congress. It could not, therefore, fairly be maintained that bribery was unknown in the United States. But he was opposed to the present Bill on another ground, and that was that it was a libel on the great mass of the voters of this country. The great body of English electors were not corrupt, and the way to deal with those who were so was to take from them the privilege which they enjoyed. When he looked into the question of bribery he was, he must confess, astonished at the hypocrisy which existed with regard to it. Hon. Gentlemen preferred to be

shocked at the bribing of poor voters; but there was another sort of bribery which most of them were cognizant of. There were very few Members of that House who were not constantly pestered with letters for subscriptions from people connected with churches and chapels, and all sorts of charitable organizations. Hon. Gentlemen contributed to those objects, not because they thought them worthy of being supported, but because they hoped by so doing to retain their seats in Parliament. They did so because they hoped to gain the interest of the minister of the church, or chapel, or the committee of the charitable organization. Now, that was a contemptible mode of proceeding, and one to which he would never submit. It was far more honest, in his opinion, if a man determined to give money to gain and keep his seat in that House that he should do it openly rather than under the guise of charity. But was it to be pretended that bribery was confined to the election of Members of Parliament? What was seen in the formation of Ministries in this country? Could any man say that every Member of a Ministry was selected because he was the most fit and most capable man for the office for which he was chosen? Undoubtedly there were in this country men who took their positions in different Ministries from high patriotic motives. But there were other men who entered the House determined to work their way up, and have place. These men did not scruple to turn and turn according to the exigencies of the case, and not one of them could be a consistent and honest man in the sense of always following his conscientious opinion. There were other men who, after persecuting a Ministry, after denouncing it and obstructing its measures in every way, had disappeared from the independent benches and taken a humble, perhaps a very humble, seat on the Government bench. Could anyone believe that this was done from patriotism on one side or the other? He feared that such men were placed on the Treasury bench in order to silence the voices of disagreeable opponents. In short, this giving of office, with £1,000, £1,500, or £2,000 a-year, was, in plain English, nothing more than bribery. The poor voter got his £10—of which he was perhaps sorely in need—once, perhaps, in five years. He thought it made no differ-

ence to him who was elected; while the office-seeker in this House got his £1,000 or £2,000 a-year. He maintained, then, that there was a great amount of hypocrisy in all this denunciation of bribery. He did not defend bribery; he never had been and never would be a party to it. But if Members were honest in denouncing it, let them begin in high places. When about to stop drinking let them begin at the clubs, and if they wanted to strike at corruption by money let them begin at high places, where men were selected, not because they were the most fit, but from other motives. So long as there were needy voters on one side, and on the other side rich and unscrupulous men ambitious of a seat in Parliament, they could not prevent bribery; and the effect of the Ballot would be to take away all power of detecting who had bribed. Cases had occurred before Committees, before Commissions, and before the Judges showing a great amount of bribery and corruption, but these cases could never have been detected under a system of secret voting. The Ballot would not prevent the offence; it would merely protect the offender, and effectually prevent his detection. As to intimidation, it was, no doubt, one of the meanest ways of coercing a voter. The man who was bribed got an equivalent for his vote, while if he were intimidated he was virtually disfranchised without obtaining any advantage for the loss of his vote. But what was the true remedy for intimidation? If a landlord or an employer were guilty of it, he was denounced in the newspapers all over the country, and public opinion was thus brought to bear upon the case. The Ballot would certainly not put a stop to intimidation. The man who had power over others would still exercise it to procure what he wanted; and if he were unscrupulous now, with the power of detection before his eyes, he would be still less scrupulous when the fear of detection was taken away. No law could deal with this improper exercise of power by the rich and powerful; the true correction for such an abuse was public opinion. The Bill, however, was not confined to the Ballot, or to dealing with bribery and intimidation; it had a much wider scope, and proposed for the first time in the history of this country to do away with public nominations. Now, a nomination was simply

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the most important public meeting held in this country. It was a meeting held for the election of representatives in Parliament, and we must always bear in mind that, unless a poll were demanded, the declaration of the returning officer did seat the person there declared to be elected. It was, therefore, the most free and popular form of election that was possible. Were the Government going to supplement this Bill by others, taking away from the people of this country the right of public meeting altogether? That might sound a strange proposition; but when they destroyed by Act of Parliament the right of public meeting for the purpose of electing representatives to that House, what was there to stand in the way of the abolition of the right to hold all other public meetings, which were necessarily of less importance? It seemed to him that this was only part of the policy, which the Whigs had pursued ever since the Reform Bill of 1832, for they had little by little taken away all the old institutions of the country, and all power of local self-government. There used to be the old parish constable in country districts, and in country districts the old parish constable was now sufficient for the preservation of the peace; but for the parish constables a police force had been substituted, over which force the authority of the magistrates was restricted, the chief power being lodged in the Home Office. The Justices could appoint policemen, but so insignificant had their office become that they were not considered worthy of being allowed to reduce the number of policemen without, forsooth, the consent of the Home Secretary. He repeated that if public nominations were abolished, nothing would stand in the way of putting down public meetings altogether; and therefore the House ought to pause before passing a Bill of this kind. The reason alleged for abolishing public nominations was that on those occasions scenes of riot and tumult did occasionally occur. But did not scenes of tumult sometimes occur in that House? In the Session of 1869 the majority in that House was described by the Bishop of Peterborough, who occupied a seat in the Gallery, as howling Members down. But the fact was that if public meetings were to be abolished because they were noisy, the public meetings which were most in earnest would have to go. With regard

to nominations, it seemed to him that there was something noble and manly in a man who sought the suffrage of his brother electors doing so openly, and in the light of day on the hustings. There was also something honest and English in a man who had won the election going again before the electors and thanking them for the trust they had reposed in him. For this the Bill would substitute a hole-and-corner meeting. By that Bill a candidate would go with his mover and seconder and eight electors and one friend, and no more—save with the consent of the returning officer—into a room, and there the nomination would take place. It would be a hole-and-corner meeting to all intents and purposes, and, compared with such a meeting, the riot and the tumult which occasionally occurred at our public nominations and during the polling were infinitely preferable, for they were the result of the free expression of opinion where strong political convictions were held. At this meeting, from which the public were excluded, the candidates would be proposed, and if at the end of two hours there were only as many candidates as there were Members to be elected, these would be declared by the returning officer to be elected; and, so far as the Bill provided, the public outside, who were deeply interested in the result of the election, would know nothing of what had taken place. Now, what was to prevent a candidate who had no prospect of being elected for a small borough, sending down two men in his pay, nominally to oppose him, and who would, of course, during the two hours, retire. The unpopular candidate would thus be returned. In any case, the people outside would be sold. Looking at the details in regard to voting, he found that the voter had to go into a room to prove that he was on the register, a voting paper was to be handed to him; he was then to go into a compartment where nobody could see him, make his cross opposite the name or names of the candidates for whom he wished to vote, and then come back, and in the presence of the returning officer, deposit the vote in a box. But he wished to know what was to become of the voter who could not read? Was he to be disfranchised? He (Mr. Fielden) had had much experience in election matters, together with his brother-in-law, Mr.

Cobbett, at Oldham, where there were a good many colliers, and others who might be termed illiterate men. Well, the collier, under the Bill, would come and prove his vote and receive the voting paper. His first difficulty would be to make out the name of the candidate, and if by hard spelling he succeeded, he had then to make his mark, which was almost a greater difficulty than finding the name. The probability was that he would put his cross opposite the wrong name, or between the names; and, at any rate, he would most likely not put his mark opposite the name of the candidate for whom he wished to vote. There was a still greater probability that, after puzzling over the voting paper, he would go back to the returning officer, and say—"I want to vote for Cobbett, where must I put my mark?" Nine-tenths of these men would fold up their papers so as to show how they had voted, and say to the returning officer—"I want to vote for so-and-so, is that right?" And yet if a voter exposed his voting paper so as to show how he had voted, he would be liable, if this Bill became law, to a penalty of £10. He had endeavoured to show that the Bill was opposed to all principles of honesty and manliness, and what used to be called English feeling; that it was crude in its details, and would be practically an utter failure. He therefore asked the House to pause before proceeding further with the measure. He did not understand why, because at some nominations and public meetings such occurrences took place, as must be expected when freedom of thought and speech was allowed, they were to abolish the right of public meeting altogether, and substitute for open nominations a closed court. If the Bill passed it would proclaim to the world that a candidate was ashamed to stand before those whose suffrages he solicited; that the voter was ashamed publicly to register his vote for one to whom, when elected, would be intrusted, along with others so elected, the lives and liberties of the subjects of this realm; and that the representative was ashamed to appear in public before those who had elected him to thank them for the honour they had done him, and to give them his pledge that he would act honestly and justly by them. Could anything be more contemptible? Such a measure as this ought to be

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opposed at every stage, and by all lovers of honest, manly expression of opinion, and he therefore moved that the Chairman do now leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Joshua Fielden.*)

MR. STAPLETON said, he could not see that the arguments of the hon. Member justified his Motion, unless he maintained that the House of Commons should not consider any Bill which did not remove every difficulty from the matter under consideration. He (Mr. Stapleton) thought the subject of nominations so important as to be worth a separate discussion when they came to the clause of the Bill referring to it; but from his experience of a moderately sized constituency he was inclined to agree with the hon. Member that nominations were a favourable opportunity for the expression of opinion. The objection with regard to a landlord's intimidation failed; for a promise to benefit a voter in the event of a certain candidate being returned would be bribery, which could be punished by law. As to the Ballot he had always supported it; but he had hitherto regarded it as an abstract question of no pressing importance. He thought Lord Palmerston quite right in not making it a Government question; but the condition of things had entirely changed, and the present Government had no choice but to make it a Cabinet question. After the large extension of the franchise which was made under the last Reform Act, the new electors were either under such influences as required the protection of the Ballot, or they were not. If they were, how could those who gave them the franchise refuse them protection in the exercise of it? In reply to the objection that the independent elector did not require protection, he maintained that the working man who was not a member of a union did need protection; while the working man who was a member of a union did not require it, and was rather a person against whom others had to protect themselves. The position in which the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had placed the country was, that we had a large body of artisans welded together and exercising the franchise according to what they deemed to be

their rights, regarding the good of their country as identical with the good of their class. Then there were the £10 householders who, as a class, were weak, and the £50 tenants, who needed protection. On the occasion of a former election in his county, when he travelled by the train to the voting place, he found in a first-class carriage a number of tenant-farmers—at those times, somehow, everybody travelled first-class. Naturally the company talked politics; but the tenant-farmers did not proclaim their opinions; they hung their heads and were ashamed; and in the market-place of the town he found a number of these men, occupying a respectable position, and paying £200 to £300 a-year in rent, hanging about waiting for orders. The agent was there, but did not know how they were to vote, because the landlord, or rather the landlord's wife—the lady being the better politician—had not quite made up her mind which candidate she would support. [“Oh, oh!”] He defied hon. Gentlemen to deny that these things were not of constant occurrence at county elections. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) referred the other night to Rome, and he would now direct attention to Paris. What had caused the downfall of that city? While there was great political activity, independence, and audacity amongst the working classes, the middle classes were sinking into political abasement. Was that the condition to which the right hon. Member for Buckinghamshire wished to reduce England by his Reform Act? Landlord intimidation was too subtle a thing to be reached by the Judges under the present law. If a landlord went round with a candidate to canvass the tenants he could not be accused of intimidation. This Bill, however, would deprive such intimidation of its influence. It would also prevent wholesale bribery; and the suggestion of “payment by results” was a bugbear, for if money were spent in corruption it would find its way either to the publichouses or to the drapers' shops, or else there would be a suspicion that the agent had pocketed more than he ought. It was no charge against this Bill to say that it would not do that which it was never intended to do—namely, that it would not prevent the priest and secret societies from influencing the voter. It would not prevent

the priest persuading the voter, nor the voter surrendering his opinion to that of others whom he believed to be better informed than himself; and it was not desirable to interfere with influence of that kind; but, with the Bill in operation, the priest and the secret society could not go beyond persuasion; they could not bring mob law to bear on the voter nor send him to Coventry; and so to this extent the Ballot would protect him from undue influence. With regard to the old question of the franchise being a trust, the argument might be put in two ways. It was said that the voter was guided by private interests, and by removing bribery and intimidation they would take away the most cogent of such influences. But he did not suppose that that was the manner in which the question presented itself to Lord Palmerston's mind. In those days there were small boroughs and contracted constituencies, and these small boroughs and contracted constituencies acted in a *quasi*-public spirit, and looked to the interests of their own localities and their own class. But all this had been done away with, and an argument, which was a strong argument when there were restricted constituencies and small boroughs, was no solid argument now. He admitted there were things the Ballot could not touch, particularly those which had been enumerated by the right hon. Baronet the Member for North Devon (Sir Stafford Northcote). For instance, it would not prevent a landlord from surrounding himself with tenants of his own way of thinking, or anyone from dealing with tradesmen of the same politics as himself. Again, it would be powerless to stop that kind of coercion which consisted in preventing a voter from going to the poll. These were evils that could not be obviated. However, if Parliament by passing this measure set its face against these evils, public opinion would do the rest; but if the Bill was thrown out, then he apprehended that public opinion would be crushed.

MR. R. N. FOWLER desired to state the reasons why he could not support this Bill. This question had always seemed to him to be a question of detail and not of principle; but that view had been somewhat modified. He sat there representing a constituency of working men who had given him a cordial and gene-

rous support, and it grieved him when a man came to him and told him that since he had voted for him he could not get any work. He believed working men very often attributed their dismissal to political reasons, when the real reason of their dismissal was entirely different, but nevertheless the feeling existed, and they were bound to consider it. With that feeling, if Her Majesty's Government had brought in a Bill, making due provision for a scrutiny, such as was done by the Bill of last year, and if the Ballot had been confined to England, and not applied to Ireland, he could not have found it in his heart to say "No" to the second reading of the Bill. The reasons why he could not support this Bill were—first, that no proper provision was made for a scrutiny; second, that this Bill applied to Ireland; and thirdly, there were certain other provisions in the Bill to which he had very great objections. To pass the Ballot without any provision for a scrutiny would, as had been pointed out by the hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach), in his able and exhaustive speech, be to place unlimited power in the hands of the returning officers. Now, he was by no means disposed to say that they would not execute their trust in a strictly honourable manner; he believed that they would, but still it should be borne in mind that the mayor of a borough was often the head of one of the political parties in the borough, and if he took a deep interest in the success of the blue party, for instance, and the blue candidate was successful, the defeated yellow party would be apt to suspect unfair play, although the returning officer might have acted with the utmost impartiality. It was a very serious thing to shake the confidence of the people in the result of the election. As to Ireland, the hon. and learned Member for the University of Dublin (Mr. Plunket), had stated that if this Bill passed there would be between 60 and 90 Nationalist Members returned for Ireland. That assertion had been sneered at by the noble Lord the Chief Secretary for Ireland, but had been in the main confirmed by his hon. Friend the Member for Cork (Mr. Maguire.) Now, could any man contemplate with equanimity the fact of having 60 Nationalist Members in that House holding the balance

between parties? This would be an evil which would be fraught with great danger to the nation. They might be told that that statement was exaggerated; but whether it was exaggerated or not he would not reproach himself with being a party to producing such a result, and on that ground he would not support the application of this Bill to Ireland. As to bribery, it seemed to him to be hardly wise at present to mix up that question with a Ballot Bill; they were going to make a great change, and the result of that change nobody knew. It had been said that the party on this side of the House would be annihilated by the Ballot; but he hoped it would be just as strong after the Ballot as before it. The fact that hon. Gentlemen opposite entertained that view—"No, no!"—well, if they said "No," there was still great difference of opinion as to the result that this Bill would produce, and he believed it would be admitted no one knew exactly what the effect would be. The Bill of 1868 worked well, and the same amount of bribery did not prevail at the last General Election as had prevailed on previous occasions, so that they ought to wait and see the result of the Ballot before legislating on the subject of bribery. In proof of this statement he would refer to the results of the Election Commissions. In Norwich, formerly a very corrupt constituency, the Commission failed to find bribery, except that which had been proved before the Judge; in Bridgewater, the worst case of all, the corruption was confined to a comparatively small portion of the constituency; while in Beverley, while there was ample evidence of corruption in former times, the borough was disfranchised after the only pure election which ever took place there. He was therefore justified in saying that the Act of 1868 was producing the desired results. As to nominations, regarding which he had an Amendment on the Paper, the question had never been discussed in the House, and it had never been discussed out of the House until the last General Election. On that occasion *The Times* had said that nominations were disorderly, and since then various Liberal candidates on the hustings had said that they hoped nominations would be abolished. Considering that the point had never been discussed by the House, and that until

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three years ago it had never been discussed by the country, and considering the late period of the Session, he hoped the right hon. Gentleman would not press that part of his Bill, but leave it over for more mature investigation. He thought there were great advantages about open nominations. They brought candidates face to face, and made them acquainted with each other, and gave them an opportunity of meeting their constituents, thus tending to soften the asperities of a contest. He also supported, on the same grounds, the declaration of the poll. He himself had been twice defeated, notably in the City of London, in 1865, and it had been a satisfaction to him to meet and congratulate the successful candidate on his success. Hon. Members wished to abolish nominations because they called them disorderly public meetings; but he wished to remind the House that public meetings during the Recess were on the increase, as it had become much more the habit of hon. Members to go to the country and give their constituents a history of the Session and their view of public affairs, and he was very glad to see this increase. Such meetings could not be prohibited by legislation, but he wished to remind the House that they were sometimes disorderly. The Vice President of the Council had gone down to his constituents at Bradford, and his constituents had the folly to pass a vote of want of confidence, against the right hon. Gentleman. He did not attach much importance to this vote because he could not conceive that any constituency would dismiss from their service a gentleman who had reflected such honour upon them. He believed that every Liberal would vote with great satisfaction for his right hon. Friend, and that every Conservative, though he might feel himself compelled by a stern sense of duty to vote against him, would do so with great reluctance. The First Commissioner of Works had also gone to his constituents in the Tower Hamlets, and the meeting refused to hear him, and passed a resolution declaring that the right hon. Gentleman had brought discredit on the constituency of the Tower Hamlets. But that vote had brought more discredit on the constituency of the Tower Hamlets than anything his right hon. Friend had done, because however much they might differ from him

it must be admitted that he was one of the ablest Members of that House. Then, because the right hon. and gallant Gentleman the Surveyor General had been assailed with rotten eggs at the declaration of the poll that was no reason for abolishing nomination days, which were useful in bringing together the opposing candidates to discuss public questions in the presence of the public; or for abolishing declarations of the poll, which in the interests of the defeated as much as of the successful candidate he should regret to see prohibited. The right hon. Gentleman represented Ripon, and in these days when nomination boroughs were sneered at, he could well conceive that the electors of Ripon were unfavourably disposed towards the nominee of a great Whig nobleman. As it was impossible to abolish unofficial public meetings he saw no reason for abolishing public meetings which happened to be official. Then, if the expenses were thrown on the rates, that would only encourage mushroom candidates, without a chance of success, to spring up in order to bring their names before the public. Take the case of a talented young Radical contending a seat for that purpose, wishing to bring his name before the public. Why, the best thing for him to do would be to go to Greenwich or Bradford, and oppose the Premier or his right hon. Friend. He would not, of course, succeed, but he would acquire a reflected reputation, and would soon be returned for some other place. On those grounds he had given his vote with his hon. Friend the Member for South Lancashire.

Mr. WALTER said, he did not rise to trouble the House with any remarks on the general features of the Bill, but for the purpose of making an appeal to the Committee on both sides. The hon. Member who had just sat down had made a speech which would more properly have been delivered on the second reading of the Bill, although, as he had informed the Committee, he had voted in the division on Thursday night. He (Mr. Walter) was unfortunately prevented from addressing the House on that occasion, and, as he had not had an opportunity of explaining what his opinions were, he had abstained from voting in the division. But now that the House had decided to go into Committee he had put on the Paper an

Amendment to the 3rd clause which would enable him to say what he desired without troubling the Committee on this occasion. He would humbly appeal to hon. Gentlemen who might be anxious to address the House to postpone their remarks until the several clauses should come up in Committee. There was not a single point which could now form the subject of debate which might not be much better discussed on each clause as it arose than it could now. He had sat for two hours listening to this discussion, in which the whole of the details of the Bill had been debated *seriatim*, as if it were a discussion on the second reading. However regular such a proceeding might be in form, it was in substance quite irregular, and he should be ashamed to trouble the House with any remarks on that occasion. Any one of those questions as to the municipal franchise, the abolition of nomination days, and of declarations of the poll, the throwing of the expenses of candidates on the borough or county rates, as well as the vote by Ballot itself, could be much more properly discussed as the clauses arose in Committee, when every Member would have an opportunity of making a speech. Therefore, although he strongly objected to the 3rd clause as it stood unaccompanied by conditions which were not provided in the Bill, he felt unable to go into the lobby with the hon. Gentleman opposite (Mr. Fielden).

LORD JOHN MANNERS said, he should have been disposed to think that there was some force in the appeal of the hon. Member for Berkshire (Mr. Walter) if the Bill had been conducted in accordance with ordinary Parliamentary practice. But he must remind the hon. Gentleman that there was no opportunity of delivering the speeches which had been addressed to the Committee that morning on the second reading, and that the Government thought it convenient to take the usual discussion on that stage of a measure on the Motion for going into Committee. He for one, although he had not the pleasure of hearing the earlier portion of the speech of his hon. Friend (Mr. Fielden) who opened the present debate, was clearly of opinion that he had shown satisfactory reasons why it should be continued. He had been struck, as the Bill proceeded, with the remarkable admissions

Mr. Walter

which had been made by those who were in favour of it. The hon. and learned Member for the county of Denbigh (Mr. Osborne Morgan) began by admitting that it was not intended to cope with bribery and corruption, but rather to put down intimidation in Welsh counties. Again, the hon. and learned Member for Taunton (Mr. James) in his able speech did not support the Bill on the ground that it would operate as a cure for bribery or treating, for those offences he admitted were passing away. He would vote for the Bill, he said, not without some feeling of humiliation, because it would put an end to undue influence. But let him for a moment advert to the most common form of undue influence or intimidation. At what time was it exercised? Not after the vote was given, but as the elector was on his way to the poll, with the view to prevent him from giving his vote as he intended. In his own constituency, for instance, at the last election a violent mob attacked a gentleman who had gone down from London to record his vote, on his way to the poll, because his political opinions were well-known. Again, in Ireland, those electors on whom violence was brought to bear were men who did not conceal their political sentiments, and, as in the well-known case of Drogheda, the intimidation was practised on voters before they polled. What, he should like to know, could secret voting do to prevent intimidation which was thus exercised? There was another form of undue influence which had been referred to by the Prime Minister the other evening—that which was brought to bear by working men upon those who worked with them in mills and other large establishments. How would the Ballot prevent that sort of influence? The minority of those men would, according to the right hon. Gentleman, be persons who would not conceal their political views, and what would be their position, subjected as they would be to perpetual pressure from their comrades, who would be aware that they would slink into a polling-booth and deposit their votes there in support of candidates whose principles the majority hated and abhorred? Could anyone doubt that their position would be worse than it now was under the system of free and open voting? Well, but it was said by

another hon. Member that the Ballot was required, not so much to protect the new class of voters, as the £10 householders and the shopkeeping class. It was somewhat strange, however, that it should so suddenly be deemed to be necessary in the case of men for whom previous to 1867 it was not thought to be essential. He would, in the next place, touch on the subject of treating, with respect to which, when Mr. Justice Willes was asked a question by the Committee upstairs, his reply was—

“I think there is a great deal of eating and drinking which falls under several heads, because I believe there is a great deal of eating and drinking by people on the same side of politics in the way of feasting people. The northern races have always feasted one another over any work that they have in hand, and they always will do so; that, of course, you do not call treating. It is a rejoicing over a common pursuit, in which people sitting down to supper or whatever it is, may be engaged. It does not alter their opinions; it puts them, as it is supposed, on better terms with one another, but it has no effect upon their political opinions that I can conceive of.”

Now, as no contradiction had been given to that statement, he would assume that that class of treating was not intended to be touched by the Bill. If so, what effect would it have in diminishing the offence of treating? As to intimidation, you could not hope to cope successfully with the forms of it he had mentioned so long as you persisted in dragging the voter to the poll, instead of bringing the poll to the voter. This was the great merit of the system of voting papers, to which, he believed, the country would come when it was sufficiently educated in the true theory of elections to dismiss as unworthy of consideration the fears of undue influence arising out of this mode of voting. Now, he asked the Committee to consider at what cost were they going to purchase this minimum of good contained in the Ballot Bill? The hon. and learned Member for Taunton (Mr. James), whilst supporting the measure, described it as a humiliation. That, then, according to its supporters, was the price they had to pay. But he would add that the Bill would sacrifice an old immemorial system of voting, which had endeared itself to the minds and habits of the great body of the people of this country. There was the smallest imaginable minority of the people in favour of it if they were to judge from the Petitions presented to that House. Now, as

to authority and experience, take France. When at the recent Paris elections they found that the great body of voters had declined to vote, that was a fact which proved that the Ballot was not such a system of voting as commended itself to the wishes, feelings, or even prejudices of the French people. And as to Australia, to which reference had been frequently made by the advocates of this measure, it was proved that in Tasmania, and another important districts in those colonies, the electors did not care to vote, and there was little or no desire on the part of any individuals there to be elected. At the last elections there, it appeared that not 60 per cent of the electors came to the poll, so that whether they looked to France or to Australia they witnessed the same feeling of indifference as to going to the poll following upon this system of secret voting. References had been made to the late school board elections for London. Now, he had voted at Marylebone, which had 58,000 registered voters. Great and novel issues were at stake on that occasion. They had lady voters and lady candidates, and every influence possible was brought to bear upon the electors, but only 24,000 voted; and if such was the result in town districts, where the polling-booths were numerous, what result might be expected at our great county elections? How could they hope to overcome the natural indifference that many voters would feel to register their votes under this secret system, particularly when they would, perhaps, be required to walk 10 or 12 miles in order to record them on the day of polling? Such a Bill as this would be a virtual disfranchisement of tens of thousands of honest Englishmen in the counties, while it bristled with pains and penalties against them if they signed their names, or in any way identified their votes. Again, there was the risk that, after all, the vote would be rejected through a scratch of the pen in the wrong place, a signature, or an informality. Out of the 24,000 who voted in Marylebone at the school board election, 600 were disfranchised in the polling-booths from this cause. Such a possibility of disfranchisement, after a man had journeyed 10 or 12 miles to give his vote, would act as a still further discouragement to voting in the

counties, and would tend to concentrate electoral power in the large towns situated within the county where polling was easier. Then, on what authority did this measure come to us? The Prime Minister had pointed to the colonies. Now, Canada was one of our greatest colonies; yet there, last year, an attempt to substitute secret for open voting was rejected by a majority of 2 to 1. Greece was also cited as an example; but, with every respect for the institutions of that little country, he did not think they were such as England should follow. Belgium had been referred to; but he could not shut his eyes to the fact that the Constitution of Belgium, compared with that of England, was of extremely recent growth, and could not be taken as a definitive authority for the adoption of any particular course of action in respect to proceedings in this country. As to the Australian colonies, the fact was that in two of them there was great indifference; and as to New South Wales, they were told that personation was there so frequent that the Prime Minister was considering what steps he should take in order to put down that offence. In Victoria they had not secret voting at all, so that the Australian precedent crumbled into dust. Turning to Europe, he asked what happened in 1849? In that year a new electoral law was promulgated for Prussia, and part of the declaration appended to that law was that the Ballot

"Stood in contradiction to every other branch of the system of Government, in which publicity was with justice demanded; it concealed the important act of election under a veil, under which all proceedings that would not stand the light of day might be hidden, while the public mode of voting had this result, that the vote given could be considered as the result of an independent conviction."

That was the deliberate opinion of the great Prussian statesmen in 1849. There was then, he submitted, no sufficient reason to justify the House of Commons in subverting the immemorial system of open voting. In his opinion the Bill ought to have been limited to the object of perfecting the system of open voting, and of putting an end, especially in Ireland, to every overt act of undue influence and intimidation. As the Bill stood, it was a retrograde measure, removing the exercise of the franchise from the wholesome and bracing atmosphere of publicity, and rendering it the

Lord John Manners

torpid and inanimate act of a skulking and timid man, instead of the conscientious and fearless discharge of a public duty by a free and intelligent citizen.

MR. W. E. FORSTER said, he did not intend to reply at length to the speech of the noble Lord (Lord John Manners), but he wished rather to appeal to both sides of the House to remember that they were now in Committee upon the Bill. They were now upon a stage of the Bill when it was not customary to debate the principle, but only the details of the measure. He knew that the noble Lord had said that their position upon this Bill was different to what it was upon Bills generally; but he (Mr. Forster) could not acknowledge that. It was not usual to have two long debates upon the second reading and upon going into Committee, and in the present instance it was acquiesced in that the debate should be taken upon going into Committee. On this last occasion they had a debate of three nights' duration, and although some hon. Members might not have had an opportunity of addressing the House, still that was almost always the case on such occasions. There was a general feeling upon both sides of the House that it was not necessary to prolong the discussion indefinitely. They were now in Committee to discuss the different clauses, and he would ask why they should not adhere to the general rule, and discuss the clauses rather than the principle of the Bill. This would be far the most convenient course; and there was really no object to be gained in debating on this occasion, because it was understood that it was not intended to press the Motion to a division.

LORD CLAUD HAMILTON said, that the right hon. Gentleman must be aware that it was owing to himself that the usual custom had been departed from. They had consented to waive their right of discussing the Bill on the second reading upon an arrangement that had not been fairly carried out, and hence arose their present unpleasant position. The discussion upon such a great constitutional change as this could not be compressed within three nights' debate, and he, for his part, protested against the conclusion of the debate the other night. He must remind the right hon. Gentleman at the head of the Government that on the Maynooth Bill eight consecutive nights had been consumed in discussing

the second reading, independent of lengthy discussions on the question of the Speaker leaving the Chair. He had waived the right of speaking on the second reading, finding it impossible to catch the Speaker's eye, although he had been in the House during the whole of Thursday night; and on one occasion no fewer than nine hon. Gentlemen rose anxious to address the House, only two of whom had yet been able to speak. He could not, therefore, in justice to his constituents, forego his legitimate right of publicly discussing this subject by accepting the proposal of the right hon. Gentleman for whom he entertained the most unfeigned respect. He entirely disapproved the whole system of secret voting. During the last 36 years, while he had a seat in that House, he had always felt the strongest objection to Ballot. How was it that for 36 years this question had always been known by the name of the Ballot, whilst now the subject was wrapped up in the title of a Bill that tended entirely to conceal it. The title should have been "A Bill for the better protection of Bribery and Corruption." He disapproved of the Ballot principle, because it had a tendency to destroy the feeling of self-respect in the voter. It would tend to deprive a voter of the feeling that he was responsible for his actions; for how could a man connect the idea of responsibility with being bound to hide his vote. It would also destroy the sense of responsibility to others, and thus tend to prevent the formation of a healthy public opinion in the country. The whole of the argument derived from the corruption in boroughs was wholly foreign to county elections. The advocates of the Ballot pointed to America; but did they not know that owing to the system of secret voting there was a total want of sound public opinion in that country; that venality was notorious even among the Judges; that "lobbying," or buying the votes of members of Congress was extensively carried on; and that "wire-pulling," a clever arrangement by which, through means of money influence, a certain result was obtained at elections, largely prevailed? Did they wish to introduce into this country a system which had induced the great bulk of the moral, religious, and highly educated community in America to abstain from taking part in public life, and to acknowledge that

the tone of the public Press was degrading? Then France had been constantly quoted; but did anyone wish to see the political life of France enacted in this country? During the last 80 years the course of things in that country had been one long series of revolutions, wars, and changes of Government. During that time three Sovereigns had been dethroned, three Republics had been established, a third Emperor had reigned, and three times Paris had been occupied by foreign armies. They in that country enjoyed universal suffrage and vote by Ballot; but surely it would not be desirable by similar measures to bring about the same system as existed in Paris? In Australia, where the Ballot was said to have succeeded, few electors cared to register and fewer to vote; for many a man's object was to make a fortune and to return to this country and purchase a seat in that House. If they were to establish to-morrow at the bidding of the Government the exact Australian system, they would not find the same materials to work upon here as in Australia. They would fail to get rid of those ingenious gentlemen who lived on boroughs, and felt so much interest in their elections and all the old organization, and the spirit of bribery and corruption would revive, to be protected and fostered under the Ballot. Indeed, it was intended to secure immunity for those who resorted to these means of obtaining seats in the House; for the tendency of the Ballot would be not to repress crime, but to hide it. He had watched the growth of the question, and he was sorry to say the real cause of bribery and corruption was a want of sincerity in those who sought the suffrage. Those who talked most about purity of elections cut a very sorry figure when they appeared before election inquiries, and in many instances boroughs had been disfranchised on account of the Ballot candidates having been guilty of bribery and corruption either by themselves or their agents, notable instances of which were to be found in Cashel and Wakefield. He was old enough to remember many boroughs that had been disfranchised through the detection of plans hatched in the Reform Club, and brought out under Mr. Coppock, the archangel of corruption. They all remembered the annual Ballot farce of Mr. H. Berkeley, of Bristol, and probably in

honour of that gentleman a test Ballot took place at the election after his death, when it was shown that the Ballot supporters bribed so largely that the whole thing exploded. The cause of the sudden change that had taken place in the opinion of the right hon. and hon. Members on the Government side of the House was the stringent measure passed by the Conservatives for the prevention of bribery and corruption. The Liberal party had been scared at the searching inquiries made by the Judges, and fearing that, like some of the agents, they would find their way inside of the walls of a prison instead of the walls of that House, they called for the Ballot for their protection. And the Government, seeing the alarm that prevailed amongst their supporters and the want of a rallying cry, thought it best to change their opinions, to give up their convictions, and adopt the Billot. For three years the Licensing question had been before the House, and a Bill had been introduced to endeavour to raise the morality of the people. It had since been withdrawn, on the ground that there was not time to discuss it this Session; but there was to be ample time found for discussing this Bill, which would have the effect of degrading the people. It used to be said a public prosecutor would stop bribery; but the advocates of the Ballot did not want one; on the contrary, they wanted to avoid prosecution, and, therefore, they asked for the Ballot, the real object of which was to give security to bribery at elections. He had seen many persons who spoke of their purity come to grief. The right hon. Gentleman who was deputed to be the mouth-piece of the Government with respect to this Bill, alluded in his opening speech to the hon. Member for Huddersfield (Mr. Leatham), "whose name," he said, "I cannot refrain from mentioning with honour in reference to the Ballot." When the hon. Member's brother stood for Wakefield the result was a rather peculiar exposure. A Commission was issued with regard to the election and reported that it had been conducted in a corrupt and illegal manner, and that Mr. William H. Leatham paid his agents £3,500, only £487 of which passed through the hand of the auditor. The Commissioners further reported that the residue had been disbursed in illegal payments, £1,800 or £1,900 having been paid by agents

Lord Claud Hamilton

brought from London, and this was done with the full assent and knowledge of Mr. William H. Leatham. That gentleman stated on oath that, to the best of his knowledge and belief, the only sums expended on his behalf were two sums of £400 and £70 respectively, and some small items. It subsequently transpired, however, that he wrote a letter to his relative, Mr. Gurney, the banker, to the effect that he was obliged to find money for "Ways and Means," and that instead of drawing money out of the bank, where there might be some clerks who would talk, he would ask the favour of a loan of £1,000. Afterwards Mr. Leatham sent for £500 more, and then for another £1,000, and it was eventually elicited from him that this sum of £2,500 was spent by his agents for election purposes. The hon. Member for Huddersfield, who was an active member of his brother's committee at that election, admitted that he could not fail to perceive that bribery was going on. Certain disagreeable prosecutions would, no doubt, have followed these disclosures but for the influence exerted by a distinguished relative of the hon. Member. If hon. Members opposite approved of bribery and corruption let them say so boldly, and he, for one, would rather have seats in that House put up to auction than the degrading hypocrisy that was now practiced. Such doings as occurred at Wakefield were what the Ballot was intended to hide. Under a system of secret voting illegal practices might be carried on with perfect impunity. He asked the House not to take so retrograde a step as the establishment of the Ballot. They had a right to know how it was the sudden conversion on the Ministerial benches had taken place; but they preserved a silent and judicious reticence upon the point. The noble Lord who last year had charge of the Bill (the Marquess of Hartington) produced some curious arguments, which showed that he had very little experience with regard to bribery. To the objection that money would be paid after the election, the noble Lord thought it a triumphant answer to say—"If people don't do that now, why should they do it then?" But the reason was that bribery now was applied to the individual voter who did not pledge himself to the success of the election, but then the case would be very different, and he had the authority of Mr. Coppock

against that of the noble Lord to the effect that persons then would give a much larger sum on condition that the seat was secured. The noble Marquess had said that even if 60 or 80 Nationalists were returned from Ireland, let them come, for then the House would show the unalterable determination of this country to maintain the integrity of the Empire. But when that time should come, a certain distinguished individual would no doubt arise, who would inform the House that the Act of Union was an upastree, which threw its baneful shadow over the prosperity of Ireland, a sudden conversion would ensue, and the Union would be abolished. Now, though he exceedingly depreciated the National movement, which, if successful, would be pregnant with mischief to Ireland, he must do the Nationalists the justice to say that they had argument on their side. For had not the present Government struck at the Act of Union by the subversion of the Established Church in Ireland, the maintenance of which, as stated by Mr. Pitt, and as agreed on by two independent Legislatures, was a fundamental article upon which the whole thing rested? His firm belief was, that if Ireland was governed, as it had been of late, for party purposes, instead of for the welfare of the country, this House would soon have to choose between civil war and separation, and if that should be the case the responsibility would rest with those who had destroyed the Act of Union. He was 36 years in the House, and he had never spoken on the question of the Ballot but once before. He would ask any man of common sense whether if the system of secrecy was adopted the Roman Catholic clergy would be likely to give up the influence which they obtained and renounce all political action. That was not likely. It was not the case in Belgium, where the political machinery had been brought to a deadlock on several occasions in consequence of the violent action of the clerical party. Hon. Gentlemen pretended that if they got the Ballot they would have a cure for bribery at once. But did they really desire a cure? No, impunity was the object, and persistency in evil practices the desire. He represented a great constituency which had never been supposed to have been swayed by bribery, and where such a thing had never been suggested, and how could he have done his

duty if he were silently to have listened to a debate which would have fixed on that constituency a stigma and a brand?

MR. GLADSTONE: If the noble Lord has had the misfortune, which has happened to others, perhaps as good men as him, to be denied an opportunity of speaking on the second reading, at least upon this occasion he has had his revenge. In former times he has achieved a great reputation in this House as a speaker when the object was that our proceedings here should be delayed, and to-day he has not fallen short of, nor in any respect sunk below, the high level he has heretofore obtained. That, however, is not the reason which induces me to rise after the noble Lord. The art of speaking against time is an art which is generally best met by silence; but on this occasion the noble Lord has assumed a liberty and a licence of such a character that, although his speech has been listened to in exemplary silence, and with inexhaustible patience, it absolutely requires some remark. A large portion of that speech has been a direct, wilful, and constant infraction of the rule that governs the debates of this House—that motives are not to be ascribed to its Members. One of those words I will withdraw. I will not say the infraction of our rule was “wilful,” for I am confident that if the noble Lord had not, in the eagerness and vehemence of his arguments, lost sight of the character of his language and his reasoning, it was impossible for him to have persevered in the strain of argument he adopted. For what was the argument running through a large portion of that speech? It was this—defined and pointed by gesticulation at different quarters of the House—“You gentlemen who profess to be enemies of bribery, only support the Ballot because you are the friends of bribery. Your object is to pursue bribery in security.” Those expressions exceed in their licence everything I have ever heard in this House, and proceeding, as they do, from a noble Lord who, as he tells us, has for 36 years possessed a seat in this House, I think he ought by this time to have learned to set a better example. This extraordinary statement the noble Lord summed up again at the close of his speech in words not to be mistaken. “Impunity,” said the noble Lord, “is the object, and persistence in evil prac-

tices is the desire" of hon. Gentlemen on this side of the House. These propositions without the slightest hesitation or qualification, have been applied by the noble Lord perhaps to the entire majority of this House—at all events, to a very large proportion of its Members. Sir, I presume that, as you did not interfere, the noble Lord has kept within the rules that govern our debates. I do not presume to raise the smallest question on the subject; but I must record the fact that such a speech has been delivered, in order that it may serve as a warning in other cases. [*Cheers.*] I see an hon. Gentleman opposite apparently give—what I am sure on reflection he will not give—his sanction to such a course of proceeding. I appeal to the innermost convictions of Gentlemen opposite, as much as to Gentlemen on this side of the House, though a limited number of hon. Gentlemen opposite followed the speech of the noble Lord with cheers, and I ask them whether the debates of this House are really to assume such a character, that on occasions when we differ in opinion we are advisedly to impute and ascribe to one another the vilest, the most corrupt, the most degrading motives, and these are not only occasional—not only unconsciously or accidentally, but as the deliberate basis of conduct upon which large numbers of Members of Parliament systematically act. If that course is to be followed, the character of the British House of Commons would be on the eve of undergoing a fatal change, and we could not be consoled in the slightest degree for the ruinous consequences that would follow by the fact that the person who had chiefly contributed to this change was a supporter of the highest principles known to our history and Constitution. After the protest I have thus thought it my duty to record, what I have next to say will seem absolutely tame; but the noble Lord has shown us that the practice of the House allows him, in Committee upon the Ballot Bill, to treat us to a lengthened dissertation upon the Irish Church Act and the Union with Ireland. Sir, I am aware that freedom of discussion is a good thing, and it has been stretched on many occasions to great lengths; but the noble Lord to-day has out-stripped all his predecessors, and if it was open to him to have discussed the Irish

Church Act and the Act of Union, I should like to know what there is in the wide universe which the noble Lord or any other Gentleman might not have just as well discussed as relevant to the Motion that the Chairman do leave the Chair upon the Electoral Procedure Bill. I hope I shall not appear extravagant in saying that there are subjects brought into view by the speech and the conduct of the noble Lord quite as important even as the Ballot itself. They comprise everything which relates to the liberties, to the laws, and to the duties of this House. The liberties of this House are practically gone, its laws are trampled under foot, and its duties never can be performed, unless Members observe in their own practice some limits of moderation. In this case, it appears that it is not in the power of the Chair to give us the securities which we might desire. The noble Lord has made this speech on a proposal that the Chairman do leave the Chair; and we have now for a good many hours debated the subject. I do not mean to enter into the debate upon the Bill; but I wish to point out this—that we appear to be arriving here at the state of things which I shall now in a few words describe. The House of Commons, before we get into Committee, carefully limits the number of occasions on which the principle of a Bill may be discussed at large, and will not permit any Member to speak more than once on each of those occasions. When, however, we have got into Committee upon a Bill the old supposition was that the principles of the Bill were not to be discussed, but the House was to address itself to details. According, however, to the new code, which appears to receive countenance from the hon. Member for the West Riding (Mr. Fielden) the noble Lord, and some others, the case is the direct reverse, and the intention of the House is to give a far greater latitude for the discussion of the principles of a Bill in Committee than when the Speaker is in the Chair. The Motion that the Chairman do leave the Chair, may, I believe, be made at any time; it may be made any number of times. On that Motion, as we have seen, the Act of Union and the future of the Church of Ireland may be discussed; and not only so, but for ought I know, when I sit down, which I shall do very soon, the noble Lord in the

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exercise of his privilege may rise again, may deliver another speech a couple of hours long, and may state, what is undoubtedly true, that by the speech he has just made he has not in the slightest degree lost his privilege or his right to resume his activity in debate. These things to me are very serious, because I plainly see in the first instance that the privileges and powers of this House have been strained during the present Session to a degree altogether without example, and that if the same conduct is persevered in, either the House must renounce its duties or it will be compelled to do that which I should consider a serious though a lesser evil—namely, re-consider its rules. Let me now say a word as regards the particular grounds alleged by the noble Lord for the course he has pursued. He says he admits these proceedings to be of an exceptional character; but he justifies himself because the Government suggested that there should be no debate upon the second reading and because, when we came to the debate upon the Speaker leaving the Chair, we did not allow a fair opportunity for discussion. Now, I wish to test these allegations. The noble Lord says the Government suggested there should be no debate upon the second reading. Sir, the Government suggested nothing of the kind. The Government named for the second reading the Monday in Passion Week, and if you look to the records of the House of Commons you will see that, until within a limited number of years, it was the practice of the House of Commons to sit until the Thursday in Passion Week. The Government made no suggestion that there should be no debate on the second reading; but the right hon. Gentleman (Mr. Disraeli)—acting, I must say, in a considerate spirit—rose in his place and said that, on account of the Quarter Sessions, many hon. Gentlemen might find it convenient to be elsewhere, and, in the name of the party he leads, he said it would be better there should be no debate upon the second reading, but that the debate should be taken on the Speaker's leaving the Chair. The Government, therefore, are not responsible for there being no debate on the second reading. What happened when the Motion was made that the Speaker should leave the Chair? That Motion was made on a Thursday, and

the debate lasted over the following Monday and Thursday. The noble Lord said that there we broke into the spirit of our engagement, and he refers as his authority to the Maynooth debate, in which he says there were eight nights of discussion. The noble Lord seems to be under an unhappy fatality as to points of fact, for there were not eight nights of that debate, but only six. That debate, too, rather illustrates the change of circumstances that has taken place. There were six nights of discussion on the Maynooth debate, but they occupied less of the time of the Session, as far as the business of the Government is concerned, than has been occupied by the three nights' debate on the Ballot Bill, for the Maynooth debate began on the 11th of April and ended on the 18th. The noble Lord, in referring to those times, ought to have reminded us of the fact that when there was a desire then for a number of adjourned debates, the regular and established practice was for private Members to give way. In the present Session that has not been done, for not a single night has been given in order to enable an adjourned debate to be continued, if my memory serves me rightly. The noble Lord will, therefore, observe that we were compelled to give for this debate at this period of the Session a longer time than was given by the Government of Sir Robert Peel for the Maynooth debate in 1845. And what was the state of the case at the end of the debate on the Ballot Bill? Certainly the noble Lord, and two or three other hon. Members, had failed to speak, and without doubt that was a great calamity to the House; but it was an inconvenience that happens at the end of almost every considerable debate in which a lively interest is felt. If ever there was a subject which three nights afforded ample time for debate that subject was the subject of election procedure which everyone has regarded as a matter in which, compared with almost anything else, the argument has been exhausted long ago by the persistent discussions that have taken place from year to year. I can only say I hope that, though it may not be in our power to control the procedure of the noble Lord, or of anyone minded like him, we at least who are desirous to make progress with this Bill shall avoid assisting the

noble Lord by consenting to a stage so inconveniently, irregularly, and unusually chosen as the present, by consenting to debate the merits of the Bill. One remark only I must make before I sit down, still upon the speech of the noble Lord. The noble Lord thought it his duty, and he expressed—I know not whether ironically or not—the pain it had cost him, though certainly he bore about him no signs of that pain—the noble Lord thought it his duty to refer to the conduct of one formerly a Member of this House, whose name has been connected with irregular transactions and practices at an election, though I never examined the circumstances so as to enable the House to pass a judgment upon them. That was a most elaborate attack. I conclude, of course, that the noble Lord gave full notice of his intention to make that attack to a near relative of that gentleman who sits in this House, and who would be his natural champion. I have not a doubt that a person of the high chivalrous tone and temper of the noble Lord would be the last to take an advantage by drawing into a debate, on grounds so delicate and painful, the name of one who does not now sit among us, and whose case, I will venture to say, had no connection whatever with this discussion. I cannot doubt that at the very least the noble Lord took care that the discussion should be a fair one, and gave notice to the hon. Gentleman related to the gentleman he referred to, in order that he might be in a condition to meet any statements that the noble Lord was going to make. Sir, I protest against his personalities as much as against his irregularities. In the argument he made upon the Bill—such as it was—I entirely decline to follow him, and I hope that those weapons which are in our hands, and to which I have referred before, and which are our only weapons—namely, patience and perseverance in meeting unusual opposition, will take the legitimate form after adequate discussion, which alone they can properly and prudently assume—namely, the form of a determined silence.

MR. BERESFORD HOPE said, he did not draw the same inferences from the right hon. Gentleman's statements as the right hon. Gentleman himself had done. The right hon. Gentleman had said truly that the second reading of this

Bill was fixed by the Government for the Monday in Passion Week, which was also Quarter Sessions week, and that in former times the House sometimes sat till Thursday in Passion Week. No doubt the House used to sit a long time ago, and used also to sit on Wednesday evenings, and do a great many other things which common sense had led them since to believe they could do better without. But certainly for a great many years past the Passion Week had been considered a holiday, or at all events, the Monday in that week was regarded as one of those bye-nights on which the Government might pass the more obscure portions of Supply and do other business that must be got through in the course of the Session, but which did not require more than a moderate quorum. But when the right hon. Gentleman proposed to take the second reading of one of the principal Bills of the Session on the night when there was no great gathering of the House, it was not surprising that hon. Members should not think that a fair offer, or one which the House could be expected to accept. The right hon. Gentleman had said truly that a conciliatory proposal was made from those who, on the Opposition side of the House, took the lead in debates. Well, for his own part, he (Mr. B. Hope) was sorry that their Leaders should be so conciliatory, and he took the opportunity, in a little discussion which took place when that arrangement was made, of saying so. He said then that such arrangements between the front benches on both sides were never satisfactory, and that though he would not break through an arrangement which had been made, he protested against it, and merely accepted it with an expressed discontentment. After that first mistake it was not to be wondered at that there should be many other mistakes and blunders. The House having been deprived of its second reading, and the discussion having been postponed to a later stage, independent Members found they were the victims of another act of conciliation, for the Leaders on both sides decided that the debate, when it did come off, should only take three nights. He protested against a system of arrangements made on the two front benches. Such arrangements might be very convenient for the Leaders on both sides, but they did not conduce to the

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freedom, dignity, or, indeed, to the brevity of debate. When people found an arrangement of that kind made behind their backs they were apt to stand upon their dignity, and he did not blame them for it. The right hon. Gentleman had referred to the old forms of the House. He (Mr. B. Hope) would be glad to return to them, and always debate a great question on the second reading of the Bill which dealt with it. The wisdom of Parliament had settled that method of procedure for good reasons; but such an arrangement had been broken through several times this Session, and the result had always borne out the old proverb—"The more haste the less speed," as was usually the case with such irregularities. But the true reason of the dead-lock which had arisen was that the Government had tried to force too much business through the House. Parliament met in February, and was provided with work enough for three Sessions. If the work of the Session had been arranged within proper limits it would have been carried on with dignity and satisfaction. The right hon. Gentleman the Prime Minister had said that private Members gave up their own days for the prosecution of the Maynooth debate, but that they had not given up a single day this Session. But what was the reason of that? Simply this. That the Maynooth discussion was carried on under the Constitution of 1832, while the present discussion was carried on under the Constitution of 1867. ["Oh, oh!"] He did not say which of those Constitutions was the better—all he wished to say was that if the first Reformed Parliament after the change of 1867 had stronger views of the rights of private Members as against the Government, those who helped to pass the Reform Act of 1867 were bound to suppose that those private Members were right. If the popular element were stronger, those who endeavoured to make it so should rejoice at the result.

Mr. DISRAELI: The hon. Gentleman who has just sat down has made one or two mistakes in his statement, and, as I am personally interested in the question which has been raised, the Committee will, perhaps, allow me to make one or two remarks. The hon. Gentleman is in error in stating that it was as an act of "conciliation" on our part

that the agreement was come to not to have a division on the second reading. The expression used by the right hon. Gentleman the Leader of the House was a correct one. He said I had acted in a considerate, not in a conciliatory spirit; and therefore the somewhat elaborate jokes which were extracted by the hon. Gentleman from the supposed phrase of the Prime Minister at once fall to the ground. We have just heard a complaint, often made, though made by a limited number of Members, as to the deleterious influence exercised over this House by the two front benches. There are certain Members who do not sit upon the front benches to whom the mention of those benches is like holding a piece of red cloth before a bull. At all events, it exercises a most strange and startling effect upon them. Now, my desire is to lead as quiet a life as I can. Allow me to state, therefore, though it can hardly be necessary, that I do not, and no one who sits on this bench pretends in any way to dictate to any individual or to exercise any arbitrary power over the course of proceedings in this House. Of course, the right hon. Gentleman holds a different position. He is the Prime Minister. He is the acknowledged Leader of this House, and is the head of a party with a great majority. He has a right to make, and we expect from him that he should take upon himself the responsibility of making, those arrangements for the conduct of Public Business which he thinks most conducive to the public welfare. On the other hand, I am the Leader of the minority; I am only a private Member in this House; and if I am the organ of a party occasionally in the matter of the arrangement of business, that is only for the public convenience. Even on matters of much more trifling importance than the second reading of a Bill like this I come to no agreement with the right hon. Gentleman without having first taken the obvious and sufficient means at my command for obtaining the general opinion of those with whom I act. It is quite impossible for me at every stage of a Bill, and on every subject, to make myself acquainted with the opinions of every individual Member who sits on this side of the House. But there are means by which the opinions of influential Members, of representative Members, and even of crotchety Members, can be ascertained

through the kindness of those who attempt to assist me in conducting the business of this House; and before I rose to make that "considerate" suggestion, as the Prime Minister called it—and I think it was considerate—I had received communications from a large majority of Members on this side of the House, and expressed their wish in what I said to the right hon. Gentleman. Some Gentlemen found it most inconvenient to be present at that time in consequence of the impending Sessions. Others shrank rather from a discussion of such a nature in Passion Week. There was a very general concurrence that they should feel generally and individually obliged to me if I could make some arrangement which would substantially secure a discussion upon the principle of the Ballot Bill, and not at that moment. I therefore made the "considerate" suggestion which was accepted by the right hon. Gentleman, and which, afterwards, as I believe, gave very general satisfaction. Now, I must come to the second error into which the hon. Member for the University of Cambridge has fallen, and his second "conciliatory" mis-statement. He protests against the arrangement by which the discussion on the Ballot Bill was limited to three days, through a supposed understanding between the Leader of the House and myself. Now, such an understanding is purely imaginary on the part of the hon. Gentleman. On the contrary, not the slightest communication, either direct or indirect, ever passed between us, as I believe, about the arrangement of the debate. It very often does happen that when debates have proceeded for a considerable time communications are made, with a view to the general convenience of the House, between those who from their position may be supposed to be best acquainted with the general wish, and some understanding is come to as to the conduct of the debate. Both sides have felt the convenience of such an arrangement; but in the instance alluded to by the hon. Member nothing of the kind was done. I did not want the debate to be concluded if it could be legitimately prolonged. A Member of the Cabinet rose late. Who replied to him? One of my late Colleagues and intimate friends. The debate had then reached an hour of the clock when the House might have adjourned; but the First Minister

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thought the adjournment unnecessary, and he was the best judge of the necessity for rising and speaking. Both he and the Member of the Cabinet who had preceded him founded their main arguments in favour of the measure on the assumption that it was a corollary of the legislation which I had myself introduced for the better representation of the people in Parliament. It was impossible for me to forego my legitimate claim of answering such arguments. If I had not answered, I should have been open to the reproach that I had shrunk from the challenge so openly made, which ought to have been answered with readiness. Afterwards there was nothing to prevent the House from continuing the debate; but I repeat that not the slightest arrangement was made for the conclusion of the debate. That conclusion was unexpected by me, and personally I did not desire it, for I had reasons for not wishing to address the House at that time. Now, we hear those complaints occasionally, though from a very few persons, and it is as well the House should understand the spirit in which, for the mutual convenience of the House, business here is conducted. Having spoken, I hope without heat, upon this subject, I may say that I do not think the right hon. Gentleman at the head of the Government is altogether justified in the observations he has made as to the conduct of the House generally, because the opposition he has received on the Army Bill has arisen as much from his own side as from ours. I do not think he was justified in the declaration of his opinion that an unprecedented strain had been placed on the privilege of individual Members in the opportunities which they have taken for expression of their opinions. A few evenings ago we had a lecture from a high authority on the same subject. The hon. and learned Member for Richmond (Sir Roundell Palmer), who always speaks with authority and is listened to with respect, delivered a very solemn address to the House at a period of the evening when it could not be noticed. He contrasted the conduct of the House of Commons this Session with its conduct in the two preceding Sessions, when measures of equal or of greater importance were brought forward. It appeared to me that, while the hon. and learned Member praised the conduct of both sides of

the House in preceding years, he destroyed the whole argument he was building up as to the present year. Why should there be a difference between the behaviour of the House this year with respect to Government measures, and their behaviour upon the Bills for the abolition of the Irish Church, and the change in the land laws of Ireland? We are not to suppose that the House of Commons is a body of capricious men who during two years give themselves up to the consideration of Public Business and the passing of two important measures, and then all of a sudden go out of their way to inconvenience and embarrass the Government, to procrastinate and postpone Public Business. The hon. and learned Member for Richmond proved too much. The Irish Church and the Irish Land Bills excited as much hostile feeling as any Bills you have produced this year. We opposed them upon their principles, and when their principles were approved by a majority, we gave ourselves up to considering, maturing, and improving the details of them. Why did we not pursue the same course in the present year? Cannot the hon. and learned Member for Richmond and the right hon. Gentleman supply the reason? We on this side of the House objected to the abolition of the Protestant Establishment, and viewed with suspicion and fear the alteration in the land laws of Ireland; but at least the proposals of the Government were in both instances set forth in measures which were well-considered and adequate to the occasion; and when we found that our objections to the principle of those measures had been encountered and vanquished legitimately and constitutionally, we then gave ourselves to the consideration of the measures that were matured and adequate to the occasion. But does not the right hon. Gentleman feel that his Army Regulation Bill—for I will not be degraded into a discussion of the Ballot Bill now—was not adequately considered, has been subjected to many changes even at the hands of the Government themselves, and was not of the complete and mature character possessed by his two other measures passed in previous years? Therefore the right hon. Gentleman is not justified in the attack he has made on the House generally for embarrassment offered to the

Government in the conduct of public affairs. The right hon. Gentleman refers to the good old times, when Ministers, carrying on great public measures with adjourned debates, made with confidence an appeal to private Members, and states that though the debates were adjourned there was not really any great waste of time in consequence of the noble and generous sacrifice by private Members of their rights. But the right hon. Gentleman forgets that he has in this Session adopted a course of Morning Sitings, and if private Members were now to give way and make an offer of their nights for the discussion of Government measures the right hon. Gentleman would thank them for nothing. He would say—"I do not want to begin Business at 9 o'clock. I have got the mornings." [Mr. GLADSTONE made an observation.] The right hon. Gentleman is repentant too late. If he had only been conciliatory—to use the phrase of the hon. Member for Cambridge University—a little earlier, it might have been well for the conduct of Public Business. If the right hon. Gentleman had told us that he would be thankful to private Members for relinquishing their privileges, he would have found himself met in a corresponding spirit; but the right hon. Gentleman is too much given to showing the rod; and in the conduct of Public Business he manages us with a species of Parliamentary terrorism, which generally does not in the beginning of July produce such advantageous results as a course of conciliation. Sir, I could not help making these few remarks, first of all in reference to those allegations, entirely unfounded, which are sometimes made in respect to my repeated interference in the conduct of Public Business; whereas I never interfere unless when I have reason to believe I know the feelings of the majority on this side of the House, and when I think it would be for the general advancement of Public Business, and for the advantage of both sides of the House; and, secondly, because I could not help vindicating the House of Commons from an attack on the part of the Prime Minister which I think unfair and unfounded.

MR. NEWDEGATE: If I correctly understand the explanation of the right hon. Gentleman the Prime Minister, one thing is quite clear, and it is this—the right hon. Gentleman proposed to read

this Bill a second time at an unusual time, contrary to the ordinary practice of the House, and by the arrangement to which the right hon. Gentleman the Member for Buckinghamshire pledged himself the opportunity for debate on that stage of the Bill was lost. And I beg to say that, upon a measure of such magnitude as this Bill, which is to alter and decide the form of elections, and indeed the future character of this House, I cannot conceive that there is anything irregular, and I am glad to find from your silence, Sir, that you see nothing that is irregular in the course which has been adopted by my hon. Friend, with the view of repairing the loss of opportunity which occurred through the misunderstanding, or as it has been termed the understanding, between the two right hon. Gentlemen, the Leader of the House and the Leader of the Opposition. The last night that this subject was before the House, I took the opportunity of calling the attention of the House to the circumstance that we were only endeavouring to recover the loss of fair opportunity; and, further, I directed attention to the fact that the Rules of the House have been practically altered, and that, by a recent decision of the Speaker, the House has the opportunity given it, of enforcing that which, in the French Chambers, is known as the *clôture*, upon any hon. Members who move or speak upon the Motion for Adjournment; because the Speaker has held that, if the majority should decide against the Motion for Adjournment of the debate, that hon. Member who moved the Adjournment, and those who spoke upon his Motion, are precluded from speaking again upon the Original Question. I have called attention to this, because it is a great change in the procedure of the House.

THE CHAIRMAN: Order, order! I beg to remind the hon. Member for North Warwickshire that he cannot, in Committee on this Bill, discuss the order of procedure of the House.

MR. NEWDEGATE: I am much obliged to you, Sir, and will avoid testing your decision by moving that you do report Progress, and ask leave to sit again, which I was at first inclined to do; because you might hold that the same rule, which I have adverted to respecting the discussions in the House, would apply to the notion that the Chair-

man should report Progress; yet, Sir, this is an hour which scarcely offers a fair opportunity for entering fully into this great subject, and for dealing with the points which have not yet been duly handled in debate. Sir, I could not feel the justice of the remarks of the right hon. Gentleman the Prime Minister upon the speech of the noble Lord the Member for Tyrone (Lord Claud Hamilton). I have been long a Member of this House, and I do not think that the noble Lord exceeded the freedom of debate which is constantly used in this House by referring to documents, which have been laid upon the Table or are to be found in the Library of the House, to the subject-matter of Reports of Commissions authorized by Act of Parliament, and laid before this House, with respect to elections. I hold that the noble Lord the Member for Tyrone has a perfect right to advert to such documents, and I am glad to observe, Sir, that he has your consent to his doing so, by your not rising in your place to stop him. The speech of the noble Lord may be overlooked, in consequence of the discussion on the order of procedure which has supervened in this debate; but there was more of substantial fact bearing on this measure in that speech than in any speech I have yet heard addressed to the House on the subject. Sir, it is asking too much to expect us to forget the long discussions which have preceded the measures which we have adopted from time to time with the view of securing purity of election. It is too much to ask us to forget the revelations of corrupt practices on which those measures were founded; and I say, that it is too much now to expect us virtually to emasculate, if not to abandon, the whole of the legislation, in favour of a plan of secret voting which it is perfectly well known has been fraught with corruption in other countries. The Report of the Committee of the Senate of the United States, which was produced by my hon. Friend the Member for Liverpool (Mr. Graves) confirms the statements often made as to the amount of corruption which exists in that country under the Ballot. Thirty years ago I myself was in the United States. I happened to be there during a Presidential election. I know very well that corrupt practices were rife at the time, and I find them referred to in this very Report. The Report goes on to prove that these

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corrupt practices have been aggravated owing to the experience gained by artful managers of elections during the last 30 years; and when hon. Members ask us to accept the dicta of Mr. Grote, I do not forget that those speeches of Mr. Grote in favour of the Ballot were made 30 years ago. Am I then to shut my eyes to the experience which we have gained in those 30 years with regard to the experiment of the Ballot, which at that time was a novelty, but since has been amply tried in the constitution of the United States? I can well understand the feelings of hon. Gentlemen being excited by the recent death of Mr. Grote. They would, no doubt, be happy to raise a monument to his memory as the champion of the Ballot; but do they desire that the monument they would raise to Mr. Grote should overshadow the monument of their former Leader, Lord Palmerston, who had heard all that Mr. Grote could urge from the earliest period of his Parliamentary career in support of the Ballot, and who, with that keen perception and accurate knowledge of his countrymen which characterized him, always proclaimed that the scheme which Mr. Grote introduced for the conduct of elections was not adapted to the character of Englishmen? In the course of these debates, the right hon. Gentleman the Prime Minister said that Lord Palmerston was ever opposed to the Ballot, and spoke very ably on the subject; but I have not heard the opinion of Lord Palmerston quoted with reference to various points, and particularly to this point, the applicability of the vote by Ballot to the present enlarged constituency, upon which he answered by anticipation the arguments of the Prime Minister. The right hon. Gentleman said that, because it has been the pleasure of the Legislature to establish household suffrage, therefore there was a necessity for the Ballot; and further, that the character of the franchise having been thus wholly changed, it is no longer the "trust" which Lord Palmerston always described it to be. With the permission of the Committee, I will quote the language used by Lord Palmerston, and I know that it conveyed his sincere opinion, because in his day the Ballot party were active, and twice, when on the Ballot, Lord Palmerston was in danger of being overborne by the exertions I made in recalling Members to the House,

I was enabled to prevent him from being placed in a minority, and after that Lord Palmerston conversed with me twice on the subject. I wish I could convey to the House the full explanation which he gave me of the passage from his speech which I am about to quote. I prefer, however, asking the House to listen to his own words, spoken in the debate on the Ballot in the Session of 1864, and which words formed the foundation of the conversation with which he honoured me. Lord Palmerston said—

"I object to the Motion [that is, the Motion made by the late Mr. Berkeley] because it is founded on an erroneous assumption. The hon. Member deals with the right of voting as if it were a personal right, which an individual was entitled to exercise free from any responsibility, whereas I contend that the vote is a trust to be exercised on behalf of the community at large. Even if the franchise were ever so extended—even if we had a manhood franchise, if every man arrived at the age of discretion were entitled to vote, it would be only a trust, because there would still be a large portion of the community—women and minors—affected by the laws, by taxation, and so on, whose interests would be committed to those who had votes. Indeed, our legislation is based on the understanding that a vote is a trust, and not a right. If a vote were a purely personal right, would not a voter be entitled to ask on what principle of justice you should punish him for exercising it in the manner which he thinks most for his own individual advantage? But you attach a penalty to the man who employs that right of voting in a way at variance, as you deem, with the public interest, for bribery, or any other such consideration. I say, then, that a vote is a trust, and I maintain that every public trust ought to be exercised subject to the responsibility of public opinion."

The House will excuse me for quoting this at length; but I think it important that this opinion should not be lost sight of. Let the House mark what follows—

"The whole political framework of civilized nations rests on the principle of trust. The interests of the community are in various degrees, more or less important, committed to a select few who are charged with duties, in regard to particular things, on behalf of the people at large; and their action in fulfilling that trust ought to be subject to responsibility towards those on whose account they exercise it. But I contend that the Ballot as proposed is intended to withdraw the voter from that responsibility which the public exercise of the trust confided to him would impose; and in that respect I think it would be a political evil. We have been told about the system in other countries—in America, for instance. But in America, as everybody knows, Ballot voting is not secret—"

In the majority of the States, in fact, no attempt is made to secure that it shall be secret.

"it is ticket voting. A man votes for a great number of officers at a time, and he sticks his ticket in his hat, and is proud of the party and the cause he espouses; he does not think of concealing the members, judges, governor, or other officers appointed by public election in the United States for whom he gives his voice. The Ballot, then, I hold, is founded on a mistake in principle, and is at variance with the fundamental assumption on which all our political institutions are based.—[3 *Hansard*, clxxvi. 44-5.]

Sir, I have read this opinion of Lord Palmerston to the House, and I hope that it will go forth to the public; for I hold that it covers the whole ground, which has been very partially as yet occupied by the speakers in this debate.

And it being ten minutes before Seven of the clock, the Chairman left the Chair, to report Progress.

Committee to sit again *this day*.

EAST INDIA (NAWAB NAZIM).

MOTION FOR A SELECT COMMITTEE.

MR. HAVILAND-BURKE, in rising to move—

"That a Select Committee be appointed to inquire into all Treaties and Agreements entered into between the East India Company, or any person on their behalf, with the Nawab Nazim of Bengal, Behar, and Orissa, or his predecessors, and to ascertain whether such Treaties and Agreements have been faithfully observed by the said Company and by the Indian Government, and to what claims, if any, the present Nawab Nazim and his family may be entitled under and by virtue of such Treaties and Agreements,"

said, if this matter had resolved itself into a mere question of money, he should have been extremely unwilling to draw the attention of the House to it; but as it involved a much higher question—namely, the rights and position of the Nawab and the good faith of this Empire, he felt no hesitation in asking the House to give him the Select Committee. He was not seeking, as had been alleged, to take several millions out of the pockets of the British taxpayer, for the latter was not concerned in the matter at all, the subject relating solely to the Indian Government, who had obtained possession of the lands which formerly belonged to the Nawab Nazim under certain treaties which he was about to show had not been kept by it, and by means of which they had replenished an exhausted exchequer. The Nawab had thus had the misfortune of seeing his territories exhausted in order that a policy of annexation, with its useless

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and wicked wars, might be carried out. It might be alleged, in opposition to his Motion, that the Nawab Nazim was the descendant of a creature of our bounty, who had been a mere puppet of British power: but this was not the fact. The Nawab Nazim was an hereditary Prince, and his ancestors were, if not absolutely independent, at all events entirely independent of the English Government. The principle of arbitration might be applied to this case, the same as had been adopted between England and the United States. The hon. and learned Member proceeded to give a history of the connection of the Nazim with the East India Company. When in 1756 the Soubhadar or Nawab of Bengal (Surajee Dowlah) attacked Calcutta, and perpetrated all the horrors of "the Black Hole," Meer Jaffier occupied the important post of Nizam, or Superintendent of the Finances. In consequence of these dreadful events, and because the Nabob had entered into alliance with the French for the purpose of driving the English out of India, Clive, who then directed the affairs of India for the Company, entered into a confederacy with this great officer for the deposition of his chief. Meer Jaffier accordingly joined his forces with the English. The Armies of Surajee were defeated at the great Battle of Plassey, the Nabob fled, and was soon after wounded. The English immediately entered into a treaty with Meer Jaffier, by which he was acknowledged Soubhadar of Bengal, Behar, and Orissa; and as a Sovereign Prince he granted to the English Company the right to fortify Calcutta, together with certain lands lying around Calcutta, and the territory lying south of Calcutta as far as Culpee. These lands were to be under the "zemindary" of the English Company, and—

"The revenues received by the Company from these territories were to be paid by the Company to the Soubhadar in the same manner with other zemindars."

Such was the treaty concluded by the Company with Meer Jaffier in 1757. The Company acknowledged Meer Jaffier to be the Sovereign of those countries, and in return he granted to them, of his Sovereign authority, certain territories for which they were to pay revenues the same as any other persons holding territories of the Soubhadar; and by this treaty and under these conditions the

English obtained their first hold upon Bengal. By subsequent events Meer Jaffier had been driven from the throne, and in 1763 the Company entered into another treaty with him, by which they agreed to re-instate him in the Soubhadarship; and in consideration of this assistance, Meer Jaffier, still acting as a Sovereign Prince, granted further territories to the Company, the right to purchase one-half the saltpetre produced in his dominions, to maintain a considerable Army, and not to allow the French to come into the country to build forts, but only to pay tribute and to trade as in former times. When Meer Jaffier died in 1765, the Company acknowledged his son, the Nawab Nuzim-ood-Dowlah, his successor. The new Nawab concluded a third treaty, confirming the previous grants to the Company, giving them half the saltpetre of the country as before, and entering into the same stipulation in regard to the French as his father had done; and it might be remarked that in their dealings with the Nawab the Company were at that time strongly influenced by their fear of the French. In 1765 Lord Clive, with the consent of the then Nawab Nazim of Bengal, made a proposal to the Emperor of Delhi for transferring the dewanny or collectorship to the Company, and the transfer was effected under an Imperial firman. In those three treaties already mentioned there was no reference to any money stipend to be paid to the Nawab; but after the Company obtained the dewanny it became necessary that a money payment should be made to him. The Company accordingly agreed to give him £530,000 a-year—£170,000 for personal expenses, and £360,000 for the support of his state. This Nawab's successor had allowed him £410,000—£170,000 for personal expenses and £240,000 for the support of his state, the reduction having been occasioned by the discharge of some unnecessary sepoys. It had been alleged as a proof that the Nawabs never had any independent rights, that each successive treaty had made his position worse and worse; but the sole reason for the diminution of his allowance was the diminution in the number of troops, the allowance for his personal expenses always remaining about the same. The Nawabs were found to be most useful allies, and by assisting in

keeping the provinces quiet repaid to the Company a hundredfold any emoluments that might be received from them. On the death of this Nawab, his son, a boy of 10, succeeded, and under a treaty dated 1770 he was to be allowed £150,000 for his personal expenditure and £160,000 for state expenses; but it was afterwards agreed between the Company and Warren Hastings that during his minority £160,000 a-year would be sufficient for all his expenditure; but although the Company designed to pay him the full amount on his arriving at his majority, Warren Hastings did not, and it was to this conclusion that the India Office was not ashamed now to refer to. Subsequently Lord Cornwallis imposed on the Nawab the condition that £21,000 should be set apart for 18 years in order to form a fund out of which his debts and liabilities might be paid. In 1802, however, those debts still remained unpaid, and a Committee was then appointed to investigate the matter. One of the grievances of the present Nawab was that he could get no account of these funds, and it required the regulating hand of a Select Committee of that House to settle all the questions in dispute between the Nawab and the Indian Government. With the decision of such a tribunal the Nawab was quite content to abide. At the present moment the Government withheld a large portion of the nominal stipend of £160,000, and no account had been rendered of the various sums paid into the Nawab Deposit Fund. The Nawab asserted that he was entitled to £160,000 per annum, *minus* the sums paid by his predecessors into the reserve fund, and the amount necessary to maintain those members of the family who were unprovided for by that fund. The terms of the proclamation issued in 1838, on the present Nawab succeeding to his father's honours and dignities, plainly showed that the Indian Government recognized his hereditary status, and the same remark applied to a proclamation issued by Lord Canning as late as 1856. That declaration contained express passages concerning the hereditary rights of the Nawab, and was very different indeed from the mere empty assertions of other Secretaries of State. At the time the Nawab came of age the fund to which he had alluded might amount to about £700,000; but with all the pains

which he had taken to obtain accurate information on this point he had been unable to do so. The Nawab at that period was absolutely in the hands of Mr. Torrens, an agent of the Governor General, who acted as a kind of official trustee; and, without casting a reproach upon anybody, in the course of a few months the whole of the fund had disappeared. It was whispered that the Government of that day were not wholly ignorant of the transaction. Certain proceedings were taken by the Nawab, and the Government put in a political plea that required the Nawab to cease his litigation, as very inconvenient disclosures might result. A Mr. Elphinstone, who was a senior Judge of India, and the official protector of the Nawab, wrote that if the question to be decided was, whether the Government were bound to apply the sum of £160,000 a-year for the support of the Nawab, he should consider the case one of delicacy and difficulty, and that it required caution and deliberation in dealing with it; but the question practically slumbered until 1853, when, unfortunately for the Nawab, Lord Dalhousie became Governor General, and mercilessly carried out his policy of annexation. Advantage was taken of the occurrence of a murder in the hunting camp of the Nawab Nazim to pick a quarrel with this Prince; and though the Nawab's servants, when put upon their trial, were acquitted, the Crown Prosecutor actually wrote to Sir C. Beaton to say that he was not satisfied with the verdict. The result was that, in spite of solemn declarations by successive Governors General, Lord Dalhousie held the sum which had been deposited to be a mere book debt, not bearing interest; and thus the Nawab was punished for a crime which neither he nor his servants had ever committed. The Nawab complained in a Memorial addressed to Lord Halifax, then Secretary of State for India; and the latter, setting up his own opinion above the plain wording of the most solemn instruments, held that the intention of the parties to these documents was merely to provide for certain living persons, and that the benefit was not to extend to their successors and descendants. Lord Halifax also talked of the "full consent" of a boy 10 years of age, a plea which would hardly be admitted in any court of law. In another paragraph relating

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to Mr. Torrens the noble Lord said he was not satisfied that the Nawab had not good ground of complaint against the agent, by whose proceedings a large sum of money had been lost; but that, the decease of Mr. Torrens having precluded an inquiry, he came reluctantly to the conclusion that no good could arise from re-opening the subject. In 1859 the Nawab Nazim came to this country, and was received with great honour. A distinguished officer of the Indian service went to Dover, and accompanied him to London. He believed that if he waited patiently justice would be done to him, and he did not present his Memorial to the Duke of Argyll, who was then Secretary of State, until the 28th of July, 1869. That Memorial was sent out to India; but it was not until more than one Question had been asked in this House concerning it that the Governor General was aware of the fact of its having been presented, and then Lord Mayo went into the subject with so much deliberation that his reply was not given until the 29th of July, 1870. The Nawab had obtained the opinions of several English jurists respecting his claims, including those of Mr. Vernon Harcourt and Sir Roundell Palmer, and those documents would be read with great interest by the Select Committee for which he asked. In this statement he thought he had shown a case for inquiry, and proved that the Nawab Nazim had been actuated only by a loyal feeling to this country. It had been shown that in the sepoy war he rendered cordial assistance to the English Government; he did everything that could be done by a loyal and powerful subject, and when asked what loss he had suffered he said he had only done his duty, and declined to receive any recompense. Not long ago the right hon. Gentleman the Member for Buckinghamshire, speaking of Indian affairs, said there ought to be a Royal Proclamation to the people of India, declaring that the Queen of England was not a Sovereign who would countenance any violation of treaties, but one who would respect the laws, customs, and usages, and, above all, the religion of her Indian subjects; and in 1858 Mr. Bright had pointed out that the House ought to be careful as to the administration of justice in India, and ought to provide for the security of life and pro-

perty. He had desired to appeal to some tribunal other than this House; but to what could he appeal? The Nawab could not go into a court of law, and he had many times petitioned the Indian Government but always received the same answer—that one Government was of exactly the same opinion as its predecessors. He should probably be told that the mere consideration of this subject by the House of Commons would be injurious to British interests in India; but he entertained a higher opinion of the people of that country than to suppose that any damaging effect could be so produced upon them. The one thing that would give them confidence in England was to be impressed with the belief that there was no wrong which might not be redressed, and no act of injustice that could not be brought before this House. To grant a Committee would be to consolidate our interests in India, and he hoped the House would pause before refusing to accede to his Motion, for a wrong was alleged, as to which there had hitherto been no fair or legal inquiry. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

MR. GILPIN, in seconding the Motion, said, he would only detain the House a few minutes. He regretted that his hon. Friend the Under Secretary of State for India would be obliged by his official position to uphold the policy followed by the Indian Government, whatever his own convictions on the subject might be. It was in the highest degree desirable that the matters referred to by his hon. Friend (Mr. Haviland-Burke) should be investigated by a Select Committee of that House.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into all Treaties and Agreements entered into between the East India Company, or any person on their behalf, with the Nawab Nazim of Bengal, Behar, and Orissa, or his predecessors, and to ascertain whether such Treaties and Agreements have been faithfully observed by the said Company and by the Indian Government, and to what claims, if any, the present Nawab Nazim and his family may be entitled under and by virtue of such Treaties and Agreements."—*(Mr. Haviland-Burke.)*

MR. GRANT DUFF: The case of the Nawab Nazim of Bengal against the British Government has been laid before the House by the hon. Member for

Christchurch (Mr. Haviland-Burke) with great clearness, and, if I may be permitted to say so, with much ability; and I trust that the House will pardon me if I am obliged to follow my hon. Friend at somewhat tedious length. With reference to the remarks that fell from my hon. Friend who seconded the Motion (Mr. Gilpin), he may rest assured of two things—first, that he will not hear from me the hateful word "prestige;" and, secondly, that I shall say nothing on this subject as an official, which I could not conscientiously say as an independent Member. Standing out from the mass of Indian society are three sets of persons whom it is important carefully to distinguish. First you have Native Princes and chiefs—the heads of famous houses possessing to this day more or less political power; secondly, you have great proprietors—noblemen of high position, but without any princely prerogatives; and, thirdly, you have a very small class of titled stipendiaries, privileged dependants of the British Government. It is to the third of these classes that the Nawab Nazim really belongs. Towards these three sets of persons, the people of these islands, as represented by the great officers of the Queen in India, have various and well defined duties to fulfil. The Native Princes and chiefs have their rights, the great proprietors have their rights, and the titled stipendiaries have their rights also. The advocates of the highly placed and highly privileged personage whose affairs we are discussing to-night are fond of representing him as an injured Indian Prince. I will not beg the question as to whether he is injured or not, the House will have to decide that at a later hour, after it has heard both sides; but I must take leave to explain at the outset that whether injured or no he is not that interesting character—an injured Indian Prince "sprung of a race noble and gentle for ages appealing to the justice of the British Parliament." He is not an Indian Prince. His father was not an Indian Prince. His grandfather was not an Indian Prince. Who or what is he then? He is the ninth successor of Meer Jaffier, in the favour of the British Government—the ninth successor of Meer Jaffier, who was himself no Prince, but an officer in the service of Surajah Dowlah, who was the Governor of Bengal under the Mogul Empire,

when we won our first great success in north-eastern India.

Let me recall in two or three sentences to the House the history of that time—I will not say the true history, because that might seem to reflect on my hon. Friend's narrative; but I will say the history as it has been told by all historians without exception up to this evening. Everyone who has heard anything of India at all has heard of the Black Hole of Calcutta. Well, Surajah Dowlah was the personage whose malignity or carelessness brought about that horrible catastrophe, and against Surajah Dowlah the British in India, who survived it, immediately vowed vengeance. This vengeance they carried into effect by two weapons—force and intrigue—both weapons being wielded by one who was a master of both—the great, but far from stainless, Clive. That remarkable man found a useful tool in one Meer Jaffier, who was a trusted servant of Surajah Dowlah, and after much playing fast and loose with both sides, this man drew off a large body of troops under his command on the field of Plassey, and materially contributed to the disgraceful panic which enabled us to win so easily that decisive day. The Battle of Plassey made us the virtual rulers of Bengal; but the motto of the Company in those days, and indeed in all days, was *Festina lento*; and Clive, after some deliberation, was content to exercise real without pretending to nominal power. So Meer Jaffier, who had been his tool, was made his puppet, and was installed as Nawab Nazim, which is, being interpreted, Nawab Administrator—Nawab “exercising police and criminal justice.” In this position he remained for some time. My hon. Friend has denied that he was a puppet; but, alas, so thoroughly was he a puppet that when he gave umbrage to his British masters he was brushed aside, and one Meer Cossim was put in his stead. This man, however, showed himself as untrustworthy and more able than Meer Jaffier, so he, too, was brushed aside, and Meer Jaffier replaced in the enjoyment of his dignity, such as it was. In the enjoyment of his dignity, such as it was, he died, and was succeeded by one of his sons, Nuzim-ood-Dowlah. With Nuzim-ood-Dowlah, in the year 1765, the representatives of British authority made an agreement, by which a

sum of about £530,000 a-year was assigned to him for his life. Almost immediately, he likewise died, and was in his turn succeeded by a brother, with whom the British concluded another arrangement, by which they assigned to him, in all, about £410,000 a-year for his life. In three years he died also, and in 1770 the representatives of British authority in Bengal made an arrangement with his successor, Mubarick-ood-Dowlah, by which they agreed to give him about £320,000 a-year for his life. Thirteen years, however, had now passed since the Battle of Plassey, and the Directors, cautious as they were, had begun to think that their subordinates in Bengal were testifying their respect for the fiction of the Nazim's power in rather too practical a way. So they told Mr. Cartier, then their chief officer in Bengal, that during the minority of the Nawab they would only allow him £160,000 a-year. Now, however, there came upon the scene a ruler who saw more clearly than either Mr. Cartier, or the Court of Directors, what had to be done if we meant to stay in India, and who, in addition, was not the man to allow himself to be bribed, as his predecessors were violently suspected to have been. And in the years from 1771 to 1782 Bengal was conquered by Warren Hastings—peacefully conquered, but still more thoroughly conquered as ever Delhi was by Tamerlane. Mubarick-ood-Dowlah, like a man of sense, accepted accomplished facts without even a protest, and was very glad to keep his £160,000 a-year for his life. He lived till 1796. The original treaty with Meer Jaffier, and the three agreements to which I have alluded—the last of them dated, it will be observed, in the year 1770—are the treaties, if we can call them so, into which the House would inquire if the Committee, for which my hon. Friend asks, was granted; for these are the only treaties, or arrangements in the nature of treaties, that ever have been made with the descendants of Meer Jaffier.

And now, I ask, what possible bearing can even the last three of the so-called treaties have upon the circumstances of the present day. The Treaty of 1765, which was only for the life of the then Nawab, as was proved not only by the tenour of the document itself, but still more clearly by the fact that a totally different and much less favour-

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able arrangement was accepted by the next Nawab—the Treaty of 1767, which was only for the life of the then Nawab, and which was again succeeded by the arrangement of 1770, which, though less favourable, was accepted by the Moorshedabad family, but which was never ratified by the proper authority, and never acted on during the whole of the life of the person to whose life it exclusively applied.

But to resume my narrative. After the death of Mubarick-ood-Dowlah, in 1796, five heads of the Moorshedabad family successively attained to the shadowy honours of the Nizamut, and became, one after another, the recipients of the bounty of the British Government. But it never occurred to any of them to prosecute a hostile suit against that Government, as if the stipend they received was paid under the provisions of a treaty, and not out of free grace and favour. From 1770 downwards nothing in the nature of a treaty is even alleged to have been concluded between the British Government and the Moorshedabad family; but certain phrases used by successive Governors General have been appealed to as constituting—when taken together with the course of dealing pursued by the Government down to the days of Lord Dalhousie—a legal claim on their part, to be kept in precisely the same position in which they were during that time. We deny this utterly. We say that not one word can be shown to have been uttered, or written, which can constitute any legal claim whatever against the Indian Government; but we most fully admit that the phrases of successive Governors General, and the whole course of action of the Government during these and previous years, did constitute a moral claim which it would be grossly inequitable to disregard; but the moral claim is not a claim to be kept in precisely the same position that was occupied by the family at any particular moment of time. It is a claim to be kept as long as they conduct themselves as loyal subjects in a great and honourable position in Bengal. That moral claim the Indian Government most fully and distinctly recognizes. Former Nawabs were, as I have said, satisfied to live on as pensioners on the bounty of Government, accepting the situation which events had made for them. The present Nawab put forward, I believe, no

grievances for the first few years after his accession to his dignities; but now he puts forward certain grievances about which I would say a word.

First, I come to the alleged hereditary nature of the treaties. Of that I have spoken; and I will do nothing more now than quote a few sentences from the opinion of the hon. and learned Member for Richmond (Sir Roundell Palmer), and another counsel who was consulted along with him by the Nawab's own friends, which, I think, effectually dispose of any argument from the treaties—

“We look in vain for any words of inheritance or succession in any of those several treaties, or, in fact, for any expression to show an intention on the part of either of the contracting parties to include the heirs or successors of any such several individuals. Our attention has been specially directed to the concluding lines in the last of those treaties—viz., that of 1770—in which the words ‘for ever’ occur; but upon reference to their context, it clearly appears that the intention in using them was that the ‘agreement’ (whatever it was) contained in that Treaty should be inviolably observed for ever; and we have above stated what, in our opinion, is the nature and extent of that agreement. We are further of opinion, therefore, that the above words ‘for ever’ cannot alter or extend the meaning and force of the express agreement in the body of the Treaty.”

I ought, perhaps, to say a word about the arrangements with the King of Delhi, of which my hon. Friend has made a good deal; but, in the first place, circumstances have so utterly changed that I really can hardly understand his referring to those agreements with a grave face; and, further, anyone who reads the document will see that its true intent and meaning was, that as the King had nominally handed over to the English Company the dewanny, or financial administration of Bengal, to be exercised by them directly, and had also nominally handed over—nominally, I say, for, of course, we took both by our good swords—the Nizamut—that is the administration of police and criminal justice—to be exercised indirectly through a puppet ruler, the King, not unnaturally, took order that, as we were to collect the revenue of the Provinces, so we should also pay for the government of the Provinces, and should keep our puppet, as long as we used him, in a position creditable to the King of Delhi—his nominal liege-lord and master. The moment the Nizamut ceased to be exercised through a

puppet ruler, the reason of the, in itself, quite reasonable arrangement with the King of Delhi disappeared; and now Nizamut agreement, King of Delhi, and all else connected with the transaction have vanished away—gone on the wind's wings, like the title of Her Majesty's ancestors to the throne of France, or equally unsubstantial claims, of which we have heard, to the thrones of Cyprus and Jerusalem.

I come, then, to the second point put forward by the Nawab—to the alleged unjustifiable attitude assumed towards him by Lord Dalhousie, on account of a misconception as to the Nawab's participation in a very atrocious murder which was committed by some of his servants. But the Nawab altogether overstates the amount of guilt that was imputed to him in connection with the shocking transaction which occurred in his hunting camp, in the year 1853. The Court of Directors never accused the Nawab Nazim of having been actually an accomplice in the murder. What they accused him of was only of having falsely stated to the Governor General's agent that he had dismissed from his service the persons who had committed the murder, and having afterwards extended marked and especial favour to one, at least, of these persons—acts which might, of course, raise some suspicion as to his actual complicity, but acts on which the Government put the most lenient construction possible, giving him, in the despatch from the India House of 1854, in so many words, the benefit of the doubt. It would have been wiser, I think, for the Nawab not to have raised the ghost of this story; more especially seeing that the Government remitted all the penalties which it imposed upon him, which it could remit, without injury to his fellow subjects.

And that brings me to the third point—the immunities which are no longer accorded to him. The Government took advantage of the misconduct of which I have been speaking, to suppress the privilege which had been accorded to his predecessors of not being liable to the ordinary process of courts of law. The Nawab complains that we did not restore this along with the guns which were restored to his salute, and other similar things. But he forgets that since 1853, India, like most other places, has been advancing in civilization, and that

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civilization abhors extra legal and privileged sanctuaries. A Government which should give back such an immunity to the Nawab Nazim, or any similar person, living in the midst of a society which was daily growing in civilization, would not, I venture to say, be supported in this year, 1871, by the people of England.

And now I come to the fourth and fifth grievance put forward by him—the grievance relating to the Nizamut Deposit Fund; or to use his own words in his Memorial—

“The Nizamut Deposit Fund, arbitrarily converted into a book debt bearing no interest, and general misapplication of the fund to purposes altogether foreign to its true intent and object.”

I can best explain to the House the real state of the case by reading an extract from a despatch of the Government of India. I must apologize to hon. Members for the horrible dullness of the subject, but it was not I who invited this discussion—

“The Nawab Nazim states that Lord Dalhousie wrongfully converted the deposit fund into a book debt bearing no interest; that the several funds were created by his ancestors for special purposes, and ought to bear, and have borne, interest; that the orders of the Government were that interest should be re-invested as received; that, in reality, the funds have been created (1) from lapsed stipends arbitrarily diverted for that purpose; (2) from family property to which the Nawab Nazim would have fallen heir; and (3) from a sum of two lacs a-year paid by the Nazim.

“Now, the facts are, that the fund consists of two parts: (1) invested, and (2) uninvested. The invested funds, to which the Nawab Nazim never contributed anything, but which, with exception of a portion of Munnee Begum's treasure, invested with the consent of the Nazim of the day, consists entirely of lapsed stipends, over which the Nawab Nazim had no control whatever, have always borne interest, and bear interest to this day. Part of the interest is devoted to the purpose for which the corresponding portion of the investment was originally made—viz., the agency establishments, although it is insufficient to meet the expenditure, and has had to be supplemented with grants from the other portions of the fund; and the remainder goes for Nizamut purposes over and above the payments made from the Government Treasury. If the interest of the Begum's fund has not been re-invested, as directed in 1823, it is because that fund never really came into existence, and the Nawab Nazim himself failed to carry out the arrangement by which he was to credit Rs. 56,000 a-year to the fund. He himself wrongfully appropriated the lapses, and so far from his having any claim, Government had actually to forgive him a debt of Rs. 2,70,137 on account of misappropriated lapses, and for this the Government of India incurred the censure of the Court of Directors.

"In regard to the uninvested portion, not only was it never intended that it should bear interest, but it would be contrary to all the Government rules regarding deposits, if interest were granted upon it. Deposits in the Government Treasuries do not bear interest except under specific arrangements made with the depositors. Since the first day of its formation the deposit has borne no interest. It was not Lord Dalhousie who made it a book debt; the uninvested portion of the deposit fund has never been anything else than a book debt ever since its formation in 1836. What Lord Dalhousie wanted to do was to abolish the fund altogether, and to re-credit the uninvested balance to Government; but to this the Court of Directors objected. If the fund had been invested it would at one time have been bankrupt. The demands upon it are heavy and fluctuating. A reference to the Report on the fund, which is enclosed in our separate despatch, No. 149 of this date, will show that it has not always been able to meet its liabilities. Between 1842 and 1851, for instance, there was a cumulative deficit varying from a quarter of a lac to nearly two lacs. Much confusion has, indeed, arisen from styling the balance of the 16 lacs a fund. The uninvested portion of the so-called fund is a mere account of certain liabilities which the Government of India may, at some indefinite time in the future, be called upon to meet. There is no obligation expressed or implied to give interest on this account; and on two occasions on which the present Nawab Nazim has brought forward his grievances, although apparently assisted by persons fully acquainted with all the facts of the case, he has not been able to adduce anything which implies a promise on the part of Government that interest should be allowed. This appears to have been the view of Her Majesty's Government in 1864. At that time interest had never been paid on the uninvested part of the fund. The Nawab Nazim complains that the fund was converted into a book debt by Lord Dalhousie in 1854. The despatch of June, 1864, however, says not a word about interest, but merely decides that the 'unappropriated portions from year to year of the 16 lacs stipend unquestionably belong to the Nazim and his family, and can properly be expended only for their benefit.' This is precisely the principle upon which the fund has been administered. The Nazim's interest in it consists in his right to have certain expenses defrayed out of it (subject to the approval of Government) which would otherwise have to be paid by himself out of his personal allowance. His family's interest in it consists in their right to have a provision out of it at his death, as Government may then consider proper. It is true that the balance is now large; but there can be no doubt that at the death of the present Nazim, which may, of course, occur at any time, very heavy claims will come upon it."

With regard to the case of Mr. Torrens, the transactions between that gentleman and the Nawab were transactions which could only be properly investigated by Courts of Law. They were investigated by Courts of Law, and the Nawab wholly failed to make out any claim against the parties against whom alone he could

possibly have had a claim, and against whom he proceeded. If he now thinks that he can make out a claim against the Government, which had nothing whatever to do with the transactions referred to, I suppose it is within the resources of his legal advisers to devise means for urging his supposed claim in some way or other, if, that is, it has any foundation in the law to which Governments and subjects must alike bow. But after the House has heard the document which I am going to read, it will not think much, I imagine, of the Nawab's claims against Government, or anybody else, in relation to the Torrens affair—

"Mr. Peterson, chief counsel for His Highness the Nawab Nazim, in the suit against Messrs. Mackenzie, Lyall, & Co., having been requested to give an opinion whether His Highness should accept the compromise offered by the defendants, thus replied—

"The defendants in this suit have offered to pay to the plaintiff the sum of Company's rupees, 70,000, by certain instalments, within twelve months, in satisfaction of all claims against them in this suit."

"Mr. Peterson is fully acquainted with the origin and particulars of the defendants liability, the merits of the plaintiff's claim, and the rank and position of the several parties, and with reference thereto his opinion is requested as to the propriety, or otherwise, of accepting the offer that has been made."

"It is an offer I should recommend the acceptance of, although I think that probably the plaintiff would have recovered more had he proceeded with his suit; but as the law is, at the best, uncertain, and as the plaintiff would have been compelled to submit to a great deal of annoyance and expense had the commission contemplated gone up to Moorshedabad, I think it better to accept the terms."

So much for the Nawab's counsel. Now for himself. The Nawab Nazim thus ends a letter to the address of the Agent Governor General Moorshedabad, dated 24th March, 1857—

"I have accepted the offer, and have thus at last brought the matter to a satisfactory close and successful termination."

No talk about the "political plea" can, I think, get over this. The short and the long of the business is this—that Mr. Torrens thought, and probably wisely thought, that it would be better for the Nawab if his money was invested in estates and other property, rather than invested in the pockets of the swindlers who surround Asiatic Courts. But the speculations turned out unsuccessful; and the swindlers in question were a great deal too much both for Mr. Torrens and the Nawab. Mr. Torrens was anything

but a satisfactory servant to Government, or a wise friend to the Nawab; but I have seen no evidence that he was corrupt, and he died soon after these transactions a very poor man. I have now gone through the principal points in this case, as stated by the Nawab and his advocates; but there is a good deal of collateral matter into which my hon. Friend and others have gone, about which I must say something.

First, they tell us that the Nawab Nazim is an extremely popular person, and that Bengal looks on his cause as on its own. It would be very odd if a Hindoo population loved so well a Mahometan family, which was put over them by Christian conquerors from the other end of the earth, and who no one pretends to have ever done any particular good to Bengal. But where is the evidence. All the evidence I have ever seen leads to an opposite conclusion. Here, for example, is a passage from a recent work by a Hindoo written in English, and describing a tour in India. In his account of Moorshedabad occurs this passage. If the English is a little strange, the House will remember that the book is not a translation, but written in English by the author, Mr. Bholanauth Chunder—

"There can be no doubt that the same end awaits the close of the title of the Nawab Nazim of Bengal, which, without any exceptional reason in its favour, has so long been permitted to survive its congener, the Nawabato of the Carnatic. The endeavour to maintain a stilted position on the strength of ancestral offices is a pretension which under a Mahometan rule would long since have collapsed; attendance at the Royal levees in resplendent kinkhaub, and a discreet use of shawl presents, will not long stave off the inevitable oblivion; and it has been due to the ignorance, as much as to the pseudo-tenderness of British sentiment, that the vitality of such empty phantoms of departed greatness has been somewhat unreasonably protracted. The error was a venial one, though if anything similar had been attempted in behalf of those whose names had been prominent in England's history, ridicule and mockery would have trampled such pretensions to the dust. The time has, however, arrived when the descendants of the families of the Nawab of the Carnatic, of the Nawab Nazim, of Tippee, and of the King of Oude, cannot too early realize the necessity of accepting a position in Native society analogous to that occupied by the noblemen of England with respect to its commoners. They cannot hope for a higher or more honourable one; the framework of society and of our administration does not allow of their holding any other; and it will, when fairly accepted, enable them to train and educate their sons in a manner which would fit them for employment,

Mr. Grant Duff

and render them useful instead of useless and isolated members of society. There is small hope of so desirable a change as long as baseless pretensions are nourished."

Next it is said that the Nawab Nazim behaved well in the Mutiny. He did behave well in the Mutiny, and was well rewarded for it. First, his salute, which had been reduced on account of his misconduct in 1853, was replaced on its old footing. A small matter, it will be said—only a little more powder burnt. True enough; but after all, from the high philosophic point of view, the Garter and the Golden Fleece are only baubles, and the adding to, or taking from, the salute is quite as mighty a matter in India as the giving or withholding of these honours in Europe. Then the Government undertook to give him £40,000 to clear off certain debts, if that sum was found necessary. It turned out not to be necessary; a clever subordinate having got him out of his troubles without requiring it. Nevertheless, however, the Government has given him, or is going to give him, the money—£25,000 it has given him, and £15,000 it is going to give him. I wonder where the money has gone? I observe there are suspicions abroad. It was, for example, observed by *The Pall Mall Gazette*—

"If there be anyone among our contemporaries whose circulation may be supposed to be not on a par with its undoubted merits, if there be one which addresses itself to a small professional or social class, if there be one which is published in a part of the British dominions, not unjustly described as remote or obscure, this particular journal seems strongly impressed with the gravity of the wrong which has been done to the Nawab. Nothing, of course, except the force of argument can have produced these effects; but it is a remarkable illustration of the varying and capricious susceptibility of the human mind to the influence of reasoning that the effects should have shown themselves in such unexpected quarters."

I need not go through all the rewards the Nawab received for the Mutiny. He was re-instated, in one word, in every privilege which he had enjoyed before his misconduct which he could possibly enjoy without harm to his fellow subjects; he was formally thanked by the Governor General, and the whole story of his misconduct would have been utterly forgotten if he had not gone out of his way to revive it. These, one would think, were tolerably sufficient rewards, but the incessant talk about the good deeds of this personage during the

Mutiny which his advocates keep up, make one think of the lines—

"To John I owed some obligation,
But John unhappily thought fit
To publish it to all the nation.
Sure John and I are more than quit."

He did behave well in the Mutiny, but if he had not behaved well what would have happened? Either his bad behaviour would have given our enemies a temporary success, or it would not. If it had done so, does any mortal who has studied India, believe that it would have turned, even for a brief hour, to the advantage of the Nawab Nazim? Is he the kind of man who floats on the crest of the wave in revolutions? I think not. Take the other alternative; and what would have been the result? Well, we will not pursue that subject. The English in Bengal were not exactly in a humour to be trifled with in the year 1857; but, at least, he would not have been enjoying, in the year 1870, a splendid income out of the taxes of India, and living at the Alexandra Hotel. My hon. Friend ought to remember that while he would urge the Government in one direction, there are others who would urge it in a diametrically opposite direction, and between him and them the Government find it hard enough to listen to the still small voice of moderation. We have heard the views of my hon. Friend, but what do these others say. They address the Government in language of this kind—"Your only moral right to rule in India at all is derived from your presumed intention to bring to India the ideas of the civilized West, and to consult the greatest happiness of the greatest possible number. Now, what do you do in the case of this Nawab. In the first place by mere *laches* and *incuria*—*laches* and *incuria* for which you are answerable to the people of India—you have continued to him and his predecessors the misleading title of Nazim, or Administrator, for a whole century after he and they have ceased to be in any sense Administrators. You have done their work, and they have borne your title. That, perhaps, is of little importance, but you have also taken from the population of India—a very poor population—at least £160,000 a-year, and have devoted it to keeping up the State of this Nawab; to keeping up, in other words, a thoroughly bad and corrupting

influence in the midst of your own subjects. We call upon you, in the name of the people of India, to put an end, and that immediately, to so great a scandal." We decline to give any countenance to the views of my hon. Friend; but we, at the same time, decline to go anything like so far as these persons, whose views I have just sketched to the House, insist upon our going. We do not propose to continue the Moorshedabad family to all time coming as an old man of the sea round the neck of the people of India; but we do propose to continue to it a very considerable position, and to form for it out of this Nizamut fund—for mis-managing which we are taken so much to task—and otherwise if needs be, a splendid inheritance. Read the history of Meer Jaffier in any history that ever was written. Then imagine the character of that personage to have been exactly the opposite of what it was; imagine him not weak, but strong; not faithless, but honest; not worthless, but eminently worthy; and would his ghost have anything to complain of if he knew that his remote successor was going to be put in a position about as good as the English nobleman who represents that Colonel Clive whom he looked upon as a sort of demigod; for, when all is said and done, the position of an English noble is that to which the cruel, the rapacious, the faithless Government of India proposes to condemn the ninth descendant of Meer Jaffier—no Prince, but the officer of an officer of the Emperor of Delhi. And, now I trust I have said enough to show that there is not even a *prima facie* case for a Select Committee to inquire into this matter; but even if there were a *prima facie* case, I think it is more than doubtful whether the House, having regard to its old traditions, would think of sanctioning anything of the kind. The House, even if a *prima facie* case had been made out, would, I am sure, pause before it struck a great blow, not only at the authority of Lord Mayo, but of all future Viceroys; for such a blow the grant of this Committee would be, and as such it would be regarded in India.

Mr. BOURKE said, that the historical part of that question had been so accurately described by the Under Secretary of State that it was unnecessary further to enter upon it; but he maintained that Meer Jaffier had for himself

no sovereign rights, and therefore no person claiming as his successor could pretend to have them. Lord Macaulay, in his Essay on Lord Clive, held that the heir of Meer Jaffier had not the smallest share of political power, but was in fact only a noble and wealthy subject of the British Government, and nobody could doubt that that, and nothing else, was the true position of his present representative. With regard to the character of the treaties which had been referred to, they had always been treated as personal and not as hereditary treaties, not only by the East India Company, but also by the descendants of Meer Jaffier themselves, who had from time to time consented to their modification. It was a most calumnious and utterly untrue charge against a lamented and honoured statesman to allege that the late Lord Dalhousie had looked out for an excuse to depose a titular Prince. It had been said that Lord Dalhousie wrote his despatch without consideration or investigation; but the truth was that the despatch itself showed that it was written only after mature inquiry. If Lord Dalhousie had not shown his abhorrence of the horrible crime which had been committed, he would have betrayed the interests of the people of India, which he was bound to protect. No good could come from re-opening the discussion, and the best friends of the Nazim would be those who recommended him to return to his country and discharge those important duties devolving upon one holding so high a social position.

SIR CHARLES WINGFIELD stated that when the Government assumed the office of Nazim it should have made it distinctly understood that the title was not to be held by any successor of the then existing Nazim, and should have made new arrangements for the altered position of the family. Presuming that an injustice had been done to the Nawab's ancestors 100 years ago, he could not see how that could be constituted a grievance of the Nawab. No doubt the correspondence which had passed between Mr. Torrens and other parties betrayed dark suspicions of criminality on the part of Mr. Torrens, yet as the Nawab was of age, and made no complaint till after the death of Mr. Torrens, it was difficult to show how the Indian Government could be held responsible.

Mr. Bourke

Those who urged that what they called a fair and generous policy should be pursued might have some justice on their side if the money they suggested should be given could be handed over without calling upon anyone to pay it; but to burden the people of India with the payment of money, in strict justice not due, was simply to be generous at the expense of the taxpayers. There were many people who appeared to suppose that all the Indian Government had to do was to dip their hands into some strong box and take what money they wanted, forgetting, too, that the Nawabs of Bengal had always borne an evil reputation, and had been regarded by the people of India with but little respect and attachment. He admitted that the Nawab showed loyalty to the British authorities in India; but it was quite absurd to suppose that the claim now set up for him was well founded. The conduct of the Government had been fair throughout. They did not intend to interfere with that allowance during the Nazim's lifetime; but they did intend to do so after his death, so as to make a provision more suitable to the family by giving the son £36,000 a-year, which would be a very ample allowance, and the rest of the family would be supported out of the accumulations of the funds, which amounted to £700,000 a-year.

MR. SERJEANT SHERLOCK, in supporting the Motion, said, the objection put forward was that this was not the Nawab Nazim, but the officer of an officer—an official who had been raised to his position by the representatives of the East India Company. On the death of each succeeding Nawab the allowance had been reduced; until it had finally been reduced to one-half. The construction of the agreements or treaties did not depend upon their words only, but upon the relative position of the parties. If the original treaty was entered into for the purpose of securing the revenues of the country to the British Government it was idle to contend that the province was handed over in perpetuity for the payment of a specific sum, when it was clear that the agreement was only for the life of the first Nawab. As the only object was inquiry into what was the justice of the case, he should support the Motion for a Select Committee.

SIR STAFFORD NORTHCOTE said, the discussion would be much shortened, and a decision upon the Motion facilitated, if hon. Members would bear in mind the particular proposition submitted to them—namely, whether certain treaties and agreements have been faithfully observed by the Indian Government, and to what claims, if any, the present Nawab Nazim may be entitled under them. If treaties had been entered into with this family and not fulfilled, that was a question which touched the honour of a great country like England; but if the allowances given were merely given as customary donations and as a matter of grace and favour, then the controversy assumed a very different aspect. The whole question was, what were the relations of those high personages who held the title of Nazim 100 years ago to the Indian Government. Were they powerful Princes or not, and did we enter into treaties with them as Sovereign Powers or not? What was conceded to us was the collection of the revenues, and the Emperor of Delhi cared little about anything but that we should pay his tribute, and provide for the expenses of the Nizamut. That bargain having been made 100 years ago between competent authorities, it was useless to go into the motives which led to the arrangement. What was given to us was the collection of the revenues, and we had nothing to do with the administration but to see that it was provided for. Fresh bargains were afterwards made with the different succeeding Nazims. The Commissioners afterwards took the administration into their own hands and performed the duties themselves. If the House would endeavour to avoid mixing up questions as to the treaties with other questions, they would perceive, he thought, that the matter was hardly one to be referred to a Select Committee. He considered that the East India Company first and the Government afterwards had, on the whole, behaved with great liberality. This was not a question upon which a Committee could throw any light, for the matter rested not upon treaty, but upon the liberal arrangements of the Indian Government, and if this House were to undertake to revise the daily administration of the affairs of India it would be found unable to do so. In his opinion, therefore, the House ought not to interfere.

MR. EASTWICK said, notwithstanding the lateness of the hour, he hoped the House would listen to him while he made a few remarks on this subject as he had paid great attention to it. The case divided itself under four heads—the treaties, the funds, the sums accumulated during the Nawab's minority, and the censures passed on the Nawab on account of the deaths of Madhu and Hingan. As the hon. Member for Christchurch (Mr. Haviland-Burke) had rested his appeal entirely on the treaties, it would be unnecessary for him (Mr. Eastwick) to take any notice of the other points. As to the treaties, then, he would say that he could imagine no more flattering compliment to the nation than an appeal to them. In these times, when European nations repudiated as obsolete treaties, since the signature of which little more than a decade had passed, to ask Englishmen to be bound by what in comparison were antediluvian engagements, entered into more than a century ago, was a signal proof of the national reputation for good faith. But, however flattering the appeal might be it was impossible to accede to it, so completely had circumstances changed. There were three parties to the treaties, or he should rather call them agreements—the Emperor, the Nawab Nazim, and the English stranger—and it would really seem as if all three had been subjected to the metempsychosis in which the Indians believe. The Emperor, after sinking into the position of a Nawab, had attained the supreme beatitude of Hindoos—that was, Nirvánah or extinction. The Englishman had taken the place of the Emperor, and, strangest of all, the Nawab Nazim had become an English gentleman, who lived at the Alexandra Hotel, and went to balls! So much for the treaties; now a word as to the Nizamut allowances. He could assure the House that Nizamut meant simply "government," and that those allowances were for the expense of carrying on the administration. They bound themselves, therefore, to nothing but to pay the expenses of government. Of course, when they took the government out of the hands of the Nawab, which was in 1765, the time was come to withdraw from him the allowances for the expense of governing. He (Mr. Eastwick) could show, in many ways, that there was nothing permanent in their engagements with the

Nawab's ancestors. But at that late hour he would only add—"Let the Nawab be contented with his magnificent stipend of £160,000 a-year, and with his hereditary title of Nawab, which would, in all probability, descend to his children."

Question put.

The House *divided*:—Ayes 64; Noes 122: Majority 58.

UNIVERSITY TESTS (DUBLIN).

LEAVE. FIRST READING.

MR. FAWCETT moved that the Speaker leave the Chair in order that he might, in Committee of the Whole House, move that leave be given to bring in a Bill to abolish Tests and to alter the constitution of the Governing Body in Trinity College and the University, Dublin.

Resolved, That this House will immediately resolve itself into a Committee to consider the abolition of Tests and the alteration of the constitution of the Governing Body in Trinity College and the University, Dublin.—(Mr. Fawcett.)

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. HERON opposed the Motion, on the ground that as the measure vitally affected Ireland, it ought to have been introduced by the Government and not by a private Member. He opposed the Motion because it was not altogether sincere, and because the Bill was one that ought to be introduced by the Government. If Trinity College were made a national college as was proposed the result would be that no Catholic College or University would be established in Ireland, and, much as he respected the senior and junior Member for Trinity College, he objected to having the Catholic education of that country unrepresented in that House.

MR. FAWCETT said, he thought it would have been better if the hon. and learned Member had reserved the observations on the Bill until its provisions had been explained to the House. What it proposed to do was simply to abolish all tests in Trinity College. It was similar in that respect to the Bill which had passed the House with reference to the Universities of Oxford and Cambridge, only that it was more liberal, inasmuch as, in the case of Trinity College, there

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were no clerical fellowships to be dealt with. He proposed to give free and immediate representation in the governing body to the Roman Catholics. The Bill had obtained the support of the leading members of the University of Dublin, and, if not passed in this Session, it would, should it obtain the approval of the House, facilitate legislation in next year.

MR. GLADSTONE said, he had always stated that the higher education of Ireland required the attention of Parliament, so as to apply to it those principles of religious equality that had been applied to the Church of Ireland. He did not, therefore, take any objection to the action now taken by the hon. Member for Brighton, though he reserved full liberty to deal with the plan as seemed best when it was before them.

MR. PLUNKET said, that the proposed Bill received the perfect acquiescence of the authorities of the University of Dublin. He would say on their behalf that they were most sincerely anxious to remove the last trace of religious tests in the University. Their intention was faithfully and fully to carry out the policy of opening the University to all comers, but they could not do this without an Act of Parliament, and that was the reason why this Bill should be introduced. As to the other part of the Bill—the additions to be made to the Governing Body—if Roman Catholics and other Dissenters were to be admitted into the Governing Body they must either win their way like those who at present enjoyed that honour by open competition and through the college course, or be nominated by the Government of the country; and against such nomination he most distinctly protested.

SIR DOMINIC CORRIGAN, as Vice Chancellor of the Queen's University, said, he should oppose the introduction of the Bill without giving any opinion on the principle involved in it.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. Brady.)

Question put.

The House *divided*:—Ayes 14; Noes 102: Majority 88.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Matter considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to abolish Tests and to alter the constitution of the Governing Body in Trinity College and the University, Dublin.

Resolution reported:—Bill *ordered* to be brought in by MR. FAWCETT, MR. PLUNKET, DR. LYON PLAYFAIR, and Viscount CRICHTON.

Bill *presented*, and read the first time. [Bill 226.]

GLEBE LOAN (IRELAND) ACT (1870)**AMENDMENT BILL.**

On Motion of The Marquess of HARTINGTON, Bill to amend "The Glebe Loan (Ireland) Act, 1870," *ordered* to be brought in by The Marquess of HARTINGTON, MR. SOLICITOR GENERAL for IRELAND, and MR. BAXTER.

Bill *presented*, and read the first time. [Bill 225.]

EPPING FOREST BILL.

On Motion of Mr. AYTON, Bill to amend the Act 12 and 13 Vic. c. 81, and to extend the provisions of that Act and "The Metropolitan Commons Act, 1866," so far as regards that part of Waltham Forest known as Epping Forest, *ordered* to be brought in by Mr. AYTON and Mr. WILLIAM HENRY GLADSTONE.

Bill *presented*, and read the first time. [Bill 224.]

SALMON FISHERIES (IRELAND) (NO. 2)**BILL.**

Bill to consolidate and amend the Laws relating to the Salmon and Inland Fisheries of Ireland, *presented*, and read the first time. [Bill 227.]

House adjourned at half after
Two o'clock.

HOUSE OF COMMONS,

Wednesday, 5th July, 1871.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Elementary Education Act (1870) Amendment (No. 2)* [228]; Public Libraries Act (1855) Amendment* [229].

Second Reading—Church Rates Abolition (Scotland) [52]; Registration of Partnerships [86]; Tithe Rent-charges (Ireland) [132], *debate adjourned*; Municipal Corporations (Ireland) Amendment* [210]; Factory Acts (Brick and Tile Yards) Extension* [194].

Third Reading—Public Libraries (Scotland) Act (1867) Amendment* [209], and *passed*.

CHURCH RATES ABOLITION (SCOTLAND) BILL.

(Mr. M'Laren, Mr. Graham, Mr. Craufurd, Mr. Carnegie.)

[BILL 52.] SECOND READING.

Order for Second Reading read.

MR. M'LAREN, in moving that the Bill be now read the second time, said, it was exactly the same as the Bill of last year, and which, although it was unsuccessful, received the support of no less than 108 independent Members. It was an exact transcription of the English Act for the abolition of church rates, with the exception of the substitution of such Scotch phrases for English expressions as were necessary for our Courts of Law. In all other respects the Bill was identical with the English Act now in force. Its principle was not to abolish church rates in Scotland, but to take away the power of enforcing payment of those rates by any process of law; and they knew, from the experience of England, that the English Act had worked admirably, and that many who were before opposed to the compulsory payment of church rates, now paid them voluntarily; and that, so far from there being any difficulty, on the contrary, in the great majority of parishes, the Church was far better supported than it was before. Seeing, then, the good results which had followed the abolition of church rates in England, those who promoted this Bill hoped the same results would follow in Scotland, and that the irritation which now undoubtedly existed in Scotland on account of church rates would be done away with. The reason why he had delayed the second reading to so late a period of the Session was that the Lord Advocate, in addressing his constituents before the meeting of Parliament, had indicated his intention of bringing in a Bill on this subject; and he had therefore stated his intention that, though it was his intention to introduce the Bill at the earliest possible period of the Session, he should reserve the second reading to such a period as would give the Government an opportunity of introducing any Bill which they might think proper on the subject. But since his expectations had been disappointed in that quarter, nothing remained for him but to proceed with his own Bill. The objections made last year to this Bill

were various. It was said that the assessment in Scotland for the erection of churches and mansees was in its incidence totally different from the incidence of church rates in England; but having paid considerable attention to this, both in Scotland and England, he altogether denied that. He knew of no argument which would support the proposition that the payment of money for the erection of churches and mansees in Scotland was not identical with the payment of church rates in this country. He admitted that in Scotland it was commonly called an "assessment." But it might be argued, on the same grounds, that there was no poor rate in Scotland, because this Act did not direct that a "poor rate" should be levied, but that an assessment should be made for the support of the poor. The fact, however, was that for years these rates were known in Scotland as "church rates," and nothing else. Again, it was argued that the English church rate was levied on the occupier, while the Scotch was levied upon the owner; and therefore the two things could not be compared. But take the case of the poor rates. In England, as everybody knew, the poor rate was levied on the occupier—but did anyone contend that the rate was not essentially a burden on land? And was it not self-evident that the poor rate was always taken into account by the occupier in taking a lease? But in Scotland the poor rate was paid half by the occupier and half by the owner. But did anyone in the slightest degree acquainted with the elementary doctrines of Adam Smith contend that that made the slightest difference in the actual incidence of the tax? Did it make the slightest difference between the incidence and the burden of the poor rate in England and Scotland, because only one-half the rate was paid by the tenant in Scotland, and the whole was paid by him in England? Was it not, then, equally certain that it made not the slightest difference that in Scotland the church rate was levied directly upon the landowner, and not upon the occupier? Then it was said that the people of Scotland did not know the rate by name of a church rate. He had already said that, properly speaking, it was a "church assessment;" and he could assure the hon. Member who had given Notice of his intention to move the rejection of the measure (Mr. Gordon),

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that if his objections could be got over by the substitution of the word "assessment" for the word "rate" in the Bill, he (Mr. M'Laren) should be most happy to make the change; but although those imposts in the main were called assessments, they were known in Scotland as church rates, and nothing else. Then it was said that they were a charge upon land alone, and not upon persons in towns, and therefore that persons in towns should not bother themselves about the question. But there could be no greater mis-statement. The fact was, that under the existing law, church rates were leviable upon every acre of land and every cottage and workshop, and every manufacturer or occupier of any kind of tenement whatever throughout the whole of Scotland. With reference to the argument that the question did not concern towns, but only counties, and therefore that borough Members had less to do with this question than county Members, hon. Gentlemen who took up that line of argument would soon be convinced of its fallacy if they only inquired a little into the facts. If they looked at the last census they would find the population of the towns of Scotland put down at 2,000,000, and the population of the counties at less than 1,500,000; and he must remind them that to make up the population of the counties there had been included an element which ought to have been excluded—namely, the population of towns of 3,000 and under. If the population of those towns were deducted, and the population of towns in rural districts added to the town population, the disparity between the population of the towns in Scotland would be much greater. Hon. Gentlemen also seemed to think that the only valuable property in Scotland consisted only of their own broad acres; but there could be no difficulty in showing that the property in towns was of far greater value, and yielded much more rates for local purposes. Take the county of Edinburgh for an example. The county was 16 miles long by 13 broad, and was assessed at £483,000, and on that amount it was assessed to the rate for building mansees and churches. But the towns of Leith, Portobello, and Musselburgh, covered an area of nine square miles, and were assessed at £1,480,000—five times the amount of the county. With respect to Leith alone, the rental had advanced in

15 years from £117,000 to £234,000, or just double. He doubted whether the rental of land had advanced a shilling an acre. Portobello had advanced from £16,000 to £30,000, Edinburgh from £452,000 to £1,250,000. What was the effect as regarded the question between land and houses—giving the land every possible benefit? Assuming that 350 acres of land had been taken and covered with houses and gardens, and that the rental—they being in the near vicinity of towns, was £10 an acre—the land would have lost an agricultural rental of £35,000, and gained a building rental of £250,000. Even supposing all these buildings assessed to the church rate, there would still be a part of the parish not built upon, which would have to pay a mere trifle, the real burdens falling almost wholly on the towns. Yet they were gravely told this was not a question for the towns, but for the rural parishes. The hon. Member then read various statements showing how oppressively this burden fell upon the poorer classes. At Riccarton, for instance, the heritors, without giving the smaller proprietors any intimation of their intention, repaired the manse at an expense of £700; resulting in a rate of 8½d. per pound, for which the poor miners of Hurlford were suddenly summoned. At St. Ninians, the heritors having imposed an assessment of £1,300, the collector raised actions in the Small Debts Court against those who had conscientious objections to pay, and sold their clocks and furniture. At Cambusnethan, a whole year's valued rent had been paid in 12 years; and 10 per cent of the total rental of the parish had been expended in repairing the manse in the present year. Nor was it only from the poorer owners that these representations came. The great and important body the General Assembly of the Free Church of Scotland had presented Petitions—one of which the hon. Gentleman read—declaring that the levying of such rates was felt by many to be a heavy burden and a great grievance, and especially by that undoubted majority of the Scottish people who did not belong to the Established Church, and who supported their own religious institutions, and praying Parliament to pass a Bill which proposed to enact that no action should be raised or diligence used to enforce or compel a payment of any church rates or assessments made in any

parish or place in Scotland. The United Presbyterian Church of Scotland, the Town Councils of Edinburgh, Dundee, Greenock, and other large towns, had presented Petitions to the same effect. If the Established Church were a large majority some defence might, perhaps, be made for it; but when it was a small minority of the whole people on whom those unjust exactions were made, the case was very bad. He had received a great number of letters on the subject, but he would only read one, written by a gentleman from one of the Western Islands. He stated there were four Established parochial churches in his island—

"One church has no congregation but the parson and his wife and parish teacher. In another there are only the parson, his two servants, and the parish teacher and his young family; in a third, about a dozen hearers; in a fourth, the parson, his sister, and three hearers; and in a fifth, the parson, and wife, and family, and fifteen of a congregation. No. 2 has a good manse, and church, and glebe, but, forsooth, because they don't come up exactly to the most recent of modern requirements, the minister has applied to have a new manse and church built for him. If he succeeds, two Free Church ministers and congregations, as small heritors holding pews, will have to contribute."

Could flesh and blood stand such a thing as that? The hon. Member then read some statistics of the Highland and northern parishes of Scotland, showing the extraordinary disproportion of the church accommodation and the attendance. For instance—

	Population.	Churches.	Attendance.
Orkney.....	5,869	5	87
Caithness	16,006	6	85
Ross-shire.....	32,000	16	186

The Established Church, in short, scarcely comprised five out of every hundred, and yet for the support of this caricature of a Church there was expended of national funds in those districts between £25,000 and £30,000 a-year. Another abstract had been given to him, showing the funds voted to the Established Church of Scotland from the public funds. There were 14 churches which received £1,606 out of the public taxes of the United Kingdom. The aggregate attendance was 133, and in two churches there were no attendants at all—one of these was well known to the Home Secretary, the appointment to which he filled up about two years ago, as he was bound to do by Act of Parliament. He was compelled to make this appointment, and find a stipend to a

man who had not a single soul to preach to. He thought he had now said enough with regard to the evils attending the present system. Having considered the various suggestions made with the view of avoiding his present proposition, he had not been able to find one that appeared to him feasible. It had been proposed to exempt the feuars; but he thought it would be impossible to do that, on account of the conditions under which an immense proportion of the estates were held. To exempt the whole of the feuars was manifestly impossible; and he thought it would be equally impracticable to exempt the smaller feuars, because wherever land was disposed of for building purposes there was a clause inserted in the agreement to the effect that the party took it into his possession for ever as to relieving the original owner from all burdens—the minister's stipend, the schoolmaster's stipend, local rates, &c. How, in such a case, could Parliament interfere for such a purpose? Again, it had been proposed to tax the land upon which a building was erected, without taxing the building itself. That might have been very equitable a century ago; but it would cause dire confusion and most absurd consequences if it were carried out now, because every new addition made to the rental of the towns took so much burden off the country generally. In 1809, Lord Chancellor Eldon pronounced a decision in the Peterhead case, to the effect that when a house had been built it was not to be distinguished from the land on which it stood, but to be assessed as part and parcel of the land; therefore if they were to undo a state of things which had existed for 60 years, and upon the basis of which a large number of bargains had taken place, they would throw burdens most unjustly upon other persons. They would not get ten men in the House to vote for such a proposal. Nothing therefore, remained but just to do the same manner of justice for Scotland as had been done for England. In England those who had the management of church rates still sent round the papers to the ratepapers; they did everything, in short, that used to be done, with the exception of enforcing payment by seizing furniture. Let the House do for Scotland what was done for England, and he had no doubt that in the great majority of the parishes of Scotland it

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would be perfectly easy to collect rates. He should have been delighted to leave this question in the hands of the Government—he was anxious that they should at least print their Bill; but it seemed as though nothing would induce them to show their plan—or they might fear that it would be rejected. But even if that were so, if they only introduced their Bill it would have been some evidence of action next Session. But as they had done nothing, he had no course to pursue but to move the second reading of his own Bill.

Mr. CARNEGIE, in seconding the Motion, said, that the more he had considered this question, and the more he had heard it discussed, the more he was convinced that the present state of the law tended to cause great unpopularity to the Church of Scotland—an unpopularity which was, to a certain extent, reflected upon the Court of Session. He thought the feeling against church assessments was increasing not only amongst the smaller, but also amongst the larger proprietors. An attempt had been made to draw a distinction between church rates in England and those assessments in Scotland. It would, perhaps, have been better if the title of the Bill had been "The Ecclesiastical Assessments Bill;" but that was a mere question of name, and hardly worth mentioning. The question was one of principle. Whatever might have been the difference between the law of England and the law of Scotland as to the maintenance of ecclesiastical buildings, they were essentially the same in principle—that principle being that ecclesiastical buildings should be maintained by assessment leviable upon people whether they liked it or not. In England the system had been changed, and now it was not compulsory on anyone to pay anything on account of any ecclesiastical building. If, then, there was any difference before, the divergence was now greater; and if the principle which was carried out some years ago with regard to church rates in England were sound, the principle on which ecclesiastical assessments were founded in Scotland must be unsound. He did not see how the one could be right, and the other right as well. He therefore called upon the Government, in the name of consistency, either to support this Bill for Scotland, or to bring in a Bill to repeal the Church Rates Abolition Act passed for England.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR GRAHAM MONTGOMERY said, the hon. Member for Edinburgh and the hon. Member who seconded his Motion had attempted to show that there was no difference between the case of English church rates and that of similar rates in Scotland. It appeared to him, however, that there was a very great difference. If he understood what was the law in England before the alteration, it was this—that a church rate could not be levied where the majority of the rate-payers refused to vote a rate—even though the fabric of the church might fall to pieces in consequence, the majority could not be compelled to make a rate. In Scotland the case was quite different. The owners of land in that country were bound to repair the churches—they had no option in the matter. If the heritors would not do their duty as regarded the repair of a church, the Presbytery, in the first place, had power to compel them to do so; and in the event of a difference between the Presbytery and the heritors, there was an appeal to the sheriff, and the sheriff had power to decide that the church should be repaired, or even another erected. As to the hon. Member's statistics as to the broad acres of the country and houses in towns, it seemed to him (Sir Graham Montgomery) most unreasonable to refuse to pay the charges on property because that property had become infinitely more valuable. He did not know on what authority the hon. Member's statistics rested—nor how he came to the conclusion that the members of the Church of Scotland were in a minority. It was his (Sir Graham Montgomery's) belief that the Church of Scotland numbered more adherents than all other religious denominations together. He believed that the majority of landowners in Scotland—even though the great majority of them were Episcopalians—were quite willing to continue to pay this tax. It would be most unfair to take the endowments of the Church of Scotland and hand them over to the heritors. They were a charge upon the land, and there was no reason whatever for excusing parties who bought their property with a perfect knowledge that it was so; there was no reason for allowing them to go scot free, escaping from

a burden which properly belonged to them. He hoped the House would not consent to the second reading of the Bill.

MR. GRAHAM believed that at least one-half of the people of Scotland were deeply imbued with the principle of religious equality, and felt that to compel a man by law to support a religious system to which he conscientiously objected was altogether wrong. There was such a wide-spread feeling of dissatisfaction with regard to church assessments that they must sooner or later be abolished; and he thought it was lamentable that a Government professing such principles as the present Government had professed with regard to religious equality should, in order to avoid differences of opinion, be maintaining in that case a principle which on questions of a similar nature it long since abandoned. The hon. Baronet opposite (Sir Graham Montgomery) had stated that the landlords were willing to pay this tax. If that were so, why should they throw the burden upon the feuars? There was scarcely a landlord in Scotland who granted feus who did not do so on the understanding that the feuair should take the responsibility of the payment of this tax. He looked upon this matter as one simply of principle, and he objected to being compelled to pay for the support of a system of which he did not approve. Unless the Government gave some assurance that they would bring in a satisfactory measure of their own, he hoped the House would agree to the second reading of the Bill.

LORD JOHN MANNERS said, he quite agreed with the hon. Gentleman who spoke last that this was a matter of principle—the principle whether the Established Church of Scotland was to be disestablished and disendowed, and he submitted that the proper course to adopt would be to challenge the principle of the Establishment instead of nibbling at one of its incidents. But so long as the Church of Scotland was established, if the great body of the landlords of Scotland, who really paid the tax, and who, in the main, were Dissenters, did not object to pay this tax, where was the injustice? Every existing feu was granted on the distinct understanding that it was to be charged and subject to this assessment, and therefore where could be the injustice to the feuair? It seemed a most extraordinary thing to him that the feuairs,

having voluntarily accepted this arrangement, and with their eyes open, should come to Parliament and ask to be set free from it. He understood that the Government promised last Session to consider this question during the Recess; but up to the present time he had not heard that they had introduced any Bill, or were likely to do so. He should certainly like to hear from some Member of the Government what were their mature views on the subject. Believing that the principle of the Bill, as described by the hon. Member for Glasgow, was nothing more nor less than disendowment and disestablishment, he (Lord John Manners), as a Dissenter from that Church of Scotland, declined to accept the proffered boon.

MR. ANDERSON was sorry to have to take up a position different to that of his hon. Colleague (Mr. Graham). If this was a question of religious equality, he would vote for it; but this assessment appeared to him nothing more than a simple question of the obligations of property. The property owners had bought, sold, and inherited it for generations, subject to this burden—the assessment belonged to the State Church, and if Parliament were to take it away from that Church they ought assuredly not to make a present of it to the individual proprietors. It was not only wrong, but very stupid, in his opinion, for the Dissenters to go in for this piece of Church robbery. If, as was very probable in the course of a few years, this House might think proper to disendow and disestablish the Established Church of Scotland, the more property they had to hand over to the State the better. No doubt the existing state of things caused a certain amount of irritation in a few places; but it was amongst the small feuars, and not elsewhere, and could be remedied in another way. He must express his regret that the Government had not brought in the Bill which they promised last year; and while he was prepared to offer all the opposition he could to the present Bill, as unjust and improper, he trusted the Lord Advocate would give the House some indication of what the Government intended to do next Session on this question.

MR. M'LAGAN said, the reason he voted for this Bill last year was that he might have an opportunity of amending one, at least, if not more, of its clauses

Lord John Manners

in Committee. At that time he was extremely anxious to express the strong opinions he held on this subject, but unfortunately the Bill was rejected. He wished to guard himself now, as he should have done then, against the supposition that he was in favour of doing away with the assessment upon land in Scotland for the repairing of churches and manse. He was a member of that Church, and he was also an heritor, and he should consider it nothing short of sacrilege to take the money which belonged to the Church of Scotland and put it into his own pocket. The position, however, as regarded the feuars was different, and he strongly objected to their being called upon to pay this assessment, because the burden had been laid on them since the introduction of the valuation roll. Some alteration, he thought, should be made with regard to them. Something had been said as to the relative numbers of the members of the Church of Scotland and the Dissenting Churches. Statistics were generally delusive; but there could be no harm in his expressing the opinion that one-half of the population still adhered to the Church of Scotland; but even supposing they were the majority, he did not think any feuar who belonged to a Dissenting Church should be called upon to contribute towards the maintenance of a Church to which he did not belong.

SIR EDWARD COLEBROOKE said, he was not one of those who wished to relieve the property of Scotland from the burden it had so long borne of maintaining the fabric of the church—and he was a Dissenter from that communion; but, at the same time, he must admit that there were grievances which called for a remedy. The question of church rates, as they were termed popularly, in England and Scotland had always been on a different footing. One great grievance in England with regard to church rates was that the property of the occupiers was called upon year by year to contribute to the ordinary worship of the Church. That was the real sore which contributed in no small degree to the overthrow of that impost. In Scotland it was quite different—they had no such charge; but with regard to the charge for the maintenance of the church, the position in Scotland was much worse, the charge falling most seriously upon the small proprietors. With regard to

manse, if the law of Scotland was on the same footing with that of England, and the incumbents were required to maintain their houses in tenantable repair, one-half the grievance would disappear. With regard to the burden as respected churches, he thought that if the proprietors, in regard to one portion of the burden, were put on a fair footing, and if, in regard to the other, the sums which they were to pay were commuted in an equitable manner, and the administration of the fund left to somebody appointed by the Church of Scotland to act for them, the burden would be reduced to such slight dimensions that it would cease to be a practical grievance at all. The hon. Member for Edinburgh (Mr. M'Laren) had given the Government every opportunity of producing their measure—and was even now willing to consider any Bill the Lord Advocate might propose; but he would venture to suggest that if any action was to be taken it must be prompt. If the Church of Scotland stood out tenaciously upon their rights and did not exert themselves, or those who acted in their interest, to produce a reasonable settlement, the present system could not last. But if Her Majesty's Government should see their way to propose something, he trusted it might be conceived in a conciliatory spirit, and put an end to that which, as at present levied, was certainly a very onerous burden, and called for an immediate remedy.

MR. C. DALRYMPLE said, he agreed with the hon. Baronet that there were certain grievances connected with this subject in the case of small occupiers of land which should be removed. But did the Bill of the hon. Member for Edinburgh seek only to redress that grievance? The fact was that the hon. Member for Edinburgh was the worst enemy of the cause which he professed to desire to serve. He introduced last year a measure which went far beyond the grievance which really existed, and the consequence was that the Bill was thrown out by a very large majority, and he trusted the present Bill would meet with the same fate. The hon. Member attempted by this Bill to undermine church property, very much in the same way as he attempted to do it in former years by his Annuity Tax Bill in connection with Edinburgh. He wished the hon. Member would raise the ques-

tion openly, and make a direct Motion for the disestablishment of the Church of Scotland. The hon. Member seemed to prefer to act as a sort of sapper and miner, rather than as a brave captain of a forlorn hope. Still, he had some sympathy with the hon. Member, who had, at least, proposed to remedy a grievance—but he had not a word to say for Her Majesty's Government, whose policy seemed to be, on this as on other occasions — "We cannot pass measures ourselves, and we are resolved nobody else shall." The Bill went far beyond what was necessary, and, therefore, he must oppose it.

MR. ELLICE said, he entirely sympathized with those who held conscientious objections to be taxed for the support of a Church to which they did not belong. Of this he believed, during a pretty long career in Parliament, he had given ample proof, and on the present occasion he was guided by no different motive. But he thought this Bill went far beyond what its title indicated. He agreed with the hon. Member for Glasgow (Mr. Anderson) in the very just observations he had made—that the Bill simply handed over to proprietors the funds now legally chargeable upon the land for certain purposes. No matter whether those purposes were civil or ecclesiastical, the land was bought subject to the burden. If it was now relieved from that burden, the proprietors would put the money so saved into their pockets without giving consideration for it. There was neither reason nor justice in that. But he had listened to the observations made on both sides on this occasion. Certain grounds of complaint were admitted, and it seemed to him that a reasonable compromise might be come to which would satisfy all parties. That some arrangement should be come to was daily becoming more necessary for the sake of proprietors. They were subject to certain reasonable charges for the purposes of the church. But latterly the demands for increased accommodation had increased to a degree quite inconsistent with the circumstances, or with what in reason ought to be asked. But dealing with these so-called rates was really dealing with the Church Establishment. In that sense, another point of grave importance—referred to by the hon. Member for Edinburgh—had to be considered. What was to be done in those places where no charge for main-

tenance was necessary? His hon. Friend (Mr. M'Laren) alluded to a large area in Scotland—one third of the whole—where he said a “caricature of a Church exists.” He (Mr. Ellice) feared he must concede the justice of that expression. His hon. Friend said that over that large district the Established Church was represented by only 5 per cent of the population. In the great centres of intelligence and industry, he (Mr. Ellice) believed the Established Church was strong in the attachment of a large body of adherents; but in the North it was far different. The state of things there was a reproach which the Government and the Legislature would do well, if even only in the interest of the Church itself, to deal with. He could not vote for this particular Bill, for the reason he had stated. He would not oppose it, because that might indicate an opinion that legislation was unnecessary; but he hoped, if some satisfactory assurance was given by Government that they would take up the matter in another Session, his hon. Friend would be content to leave it in their hands, and to withdraw the present Bill.

THE LORD ADVOCATE: My hon. Friend the Member for Edinburgh stated quite accurately that in the speech I made to my constituents in the course of the vacation I stated my intention in the course of the present Session to introduce a measure upon the subject of the provision laid down by the law of Scotland for the upholding of churches and mansees. The intention I so intimated was expressed subject to the necessary condition that the state of Public Business was such as to permit of its being carried into effect. No one can regret more sincerely than I do that during this Session no opportunity whatever has been afforded for Scotch legislation. I should regret still more—indeed, I should have a very painful feeling—if I could charge myself with any responsibility in the matter; but I think all who hear me will sympathize with what I say, that not a single hour of any Government day since the commencement of the Session has been at my disposal for the despatch of Scotch business, except the very short time of one evening which was granted to us for the discussion of one great measure. I hope I shall not only personally be exonerated from all blame for this state

Mr. Ellice

of things, but that no one who considers the matter candidly will be disposed to place blame on Her Majesty's Government. I may have erred in judgment; but, acting in communication with those who are accustomed to advise me in these matters, I thought that with respect to a measure relating to churches and mansees, and with respect to some other measures which I had not merely in contemplation, but which were actually prepared, that it was not advisable, with a view to the success of the measures themselves, to introduce them into Parliament without some reasonable prospect of being able to proceed with them. In the course of the speech to which my hon. Friend referred, and I think in addressing the House last Session, I expressed my own objections to church rate by whatsoever name it might be called. I gave my humble support to the Bill by which church rates in England were abolished; and I have, upon principle, an objection to any land being taxed to build or maintain churches and mansees; and in so far as the assessments with which this Bill professes to deal resemble in any material respect the compulsory church rate which exists in England, I object to them in Scotland. But it is a wide step from the abolition of compulsory church rates in England to the measure which is now before the House. The assessments with which this Bill professes to deal are applicable, according to the interpretation of the Bill itself, to three distinct purposes—first, the building and maintaining of churches; second, the building and maintaining of mansees; and third, for providing or enlarging any glebes—that is, the land given to the clergyman as a part of the provision for his maintenance. For all these purposes the laws of Scotland, from an early period, have made provision. Churches, according to law, are built and upheld by the parishioners—an expression interpreted by very old decisions, and always understood to mean the heritors or landed proprietors of the parish. Mansees, in the same way, are provided and upheld as part of the provision of the minister by the same commissioners—namely, the heritors. Glebes in like manner are, under the compulsion of the same law, provided for by substantially the same parties. The law of Scotland, therefore, with respect to

churches, stands in very obvious contrast with the law of England. The law of England makes no compulsory provision for building or upholding of churches, with the exception only of the chancel, the burden of upholding which was upon the proprietor of the tithes. As to the body of the church, for the maintenance of that the parishioners, or a certain number of them, were authorized, if they pleased, to impose a church rate, to be levied upon all the occupiers of land and houses in parishes, and that was the only church rate which might or might not be imposed, in the discretion of a certain number of the parishioners, and which, when imposed, was levied upon the occupants of all lands and houses in the parish, and was applicable to keeping in repair the body as distinguished from the chancel of the church. That was the rate for the abolition of which the Act was passed in England. The present Bill is a reproduction or transcript of the English Church Rates Act; but it would take away from the parish clergy their manse and their glebes, these being matters with which the English Church Rates Bill had no concern. It may very well be thought by this House, on considering the matter, that the clergy are now very sufficiently and adequately provided for, and that it is no longer necessary for their maintenance that the heritors of a parish should also provide them with houses, to be kept in repair at the expense of these same parishes. This, however, is a subject which would require very careful consideration in connection with the provisions made for the parish clergy. A Bill to deal satisfactorily with this subject must deal with the whole matter, for I think it will be found almost an impossibility to distinguish between feuars and landlords, as my hon. Friend spoke of them in such a manner as to put the burden upon the landlords, and also exempt the feuars. You must find some other line of demarcation, as the House will perceive when I point out to them that, according to the law of Scotland, all landlords are feuars. Indeed, feu-holding is the highest title to property known to the law of Scotland, and what hon. Gentlemen really mean when they speak of feuars as distinguished from landowners, is smaller proprietors as distinguished from larger ones. You speak

familiarly of a feu as a person who has only a house with a garden or a field, and the proprietor of a villa which may be worth some hundreds of pounds a-year is familiarly and properly called a feu. Therefore, in order to make a line of demarcation, you must say that below a certain amount of value feus shall not be liable to this tax. I do not think you will find perfect harmony between the landed proprietors in determining the exact line to be drawn, below which the liability shall cease to exist, and therefore some other mode of arriving at the result must be devised than any which has been suggested in that direction. I think that from the circumstance of this Bill being a transcript of an Act passed with a totally different object, it is not so prepared as to deal satisfactorily and practically with the subject. Yet, with the object which my hon. Friend (Mr. M'Laren) has in view, I hope I have expressed my entire sympathy and also my resolution on the first opportunity which may be afforded me of attempting to deal with it by a measure introduced into this House. I agree with my hon. Friend the Member for St. Andrews (Mr. Ellice) when he says that it would be most desirable, in any measure upon this subject, to deal with what is undoubtedly cognate to it—that is, those Highland churches and manses provided by Parliament at a time when the Church numbered a larger portion of the population than it does now. So far as I have been able to ascertain, it would be in accordance with good sense to make provision whereby that accommodation, which is not profitable either to the kingdom or to the Church, might close. I do not know that I should not have been prepared to support this or any other measure which has for its object only the abolition of a tax, assessment, or rate imposed by men belonging to one Church for building or repairing the residences of the ministers of another communion with which they have no concern. I should have been prepared to support this or any other measure introduced for that object which was, in my opinion, a satisfactory and practicable measure on the subject. That, however, is not my opinion of this Bill, and I think it is not fitted to attain the end in view. Indeed, my opinion is that it would be found utterly impracticable; in some respects it would operate with

the greatest injustice. As I am of opinion that this Bill is not a satisfactory measure on the subject, I cannot support it. By taking the course, however, of offering no opposition to the second reading, I hope I shall give some additional emphasis to the regret I sincerely feel at my inability to attempt myself to deal with the subject in the course of the present Session.

MR. GORDON said, he thought fuller explanation was necessary from the Government to explain why this year they were not going to oppose a Bill which the Lord Advocate opposed last year. The hon. Member for Edinburgh was quite wrong in supposing that there was any similarity between church rates as they existed in England prior to 1858 and church assessments in Scotland. The burden in Scotland was so definite and well defined that it required no vote of the parishioners, as it did in England, to secure the payment of the assessment. He quite agreed with the junior Member for Glasgow (Mr. Anderson) that the effect of passing this Bill would be to put into the pockets of the landowners money which did not belong to them. They might as well propose to do away with tithes as to abolish this assessment, because one just as much as the other was a burden upon property. At the same time, there was some grievance as regarded a portion of the assessment, and he concurred in the view which had been thrown out in the course of the discussion that there would be considerable relief in a more equal distribution of the liability. At present the assessment occurred at uncertain intervals, and if it were converted into a small fixed amount benefit would result to all parties. To preserve his own consistency, he should move that the Bill be read a second time that day three months. At the same time, he hoped the hon. Member for Edinburgh would not compel him to take this course, but would withdraw the Bill, leaving the whole question to be dealt with by the Government.

SIR GRAHAM MONTGOMERY seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Mr. Gordon.)

The Lord Advocate

LORD ELCHO said, the course proposed to be pursued by the Lord Advocate in relation to this Bill was a most extraordinary though not an unprecedented one. He opposed the principle of the measure and said the Bill was impracticable, yet he would not oppose the second reading. Now, this seemed very extraordinary conduct. If the Government did not approve the Bill, why did they not manfully oppose it? If, on the other hand, they approved, why did they not use their influence in its support? Was the Government, then, going to offer the Bill as a sop to those below the gangway, who were opposed to all church rates, and all Churches and Establishments? He thought the Government were bound to stand up for their own opinions, and not run with the hounds and turn with the hare in this manner. He admitted that the Lord Advocate was not responsible for Scotch legislation presenting this Session a perfect blank; but the Government were to blame for having produced important measures in a shape which called for prolonged discussion while they persisted in refusing to give the House the information which was required in reference to them. The Bill practically meant disestablishment, and as such he opposed it.

MR. WINTERBOTHAM said, he regretted his hon. and learned Friend the Lord Advocate was not present to profit by the lecture the noble Lord had just read him. He thought that the course his hon. and learned Friend intended to take with reference to this Bill had been explained with sufficient clearness. His hon. and learned Friend had not disapproved the principle of the Bill; on the contrary, he approved it, and because he approved it and sympathized with the object of the Bill he would not oppose the second reading. At the same time, he said he did not think the Bill had been drawn so as to attain its object, and he hoped next Session to bring in a Bill which would be more fitly framed to attain its object.

MR. CRAUFURD said, if the Lord Advocate would follow the practice of his predecessors, and consult with the Scotch Members, much legislation might be passed without troubling the House very considerably. He could not exonerate the Lord Advocate for the block in Scotch business which had taken place this Session, or rather for the utter ab-

sence of all legislation for that country. He would take the speech of the learned Gentleman as some *amende* for his past conduct, and he hoped that he would mend his ways in the future. As to the Bill, he cordially supported it, because it was only an act of justice that the law should not compel people to contribute towards the maintenance of a Church the principles of which they did not approve.

MR. M'LAREN said, he would accept the promise of the Lord Advocate in the spirit in which it had been made; and if the House would agree to affirm the principle of the Bill by reading it a second time, he would consent not to press it further, but would withdraw it. Next year he would also refrain from re-introducing it, leaving the entire responsibility of dealing with the subject with the Government. As to the statement that this Bill meant the disestablishment and disendowment of the Church of Scotland, all he could say was that if it did, the English Church was already disestablished and disendowed, because this Bill was exactly the same in spirit, intention, and provisions, as an Act already in force in England.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 121; Noes 76: Majority 45.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for this day two months.

REGISTRATION OF PARTNERSHIPS
BILL—[BILL 86.]—SECOND READING.
(*Mr. Norwood, Mr. Whitwell, Mr. Monk, Mr. Serjeant Simon.*)

Order for Second Reading read.

MR. NORWOOD, in moving the second reading of this Bill, the object of which was to secure the registration, for general reference, of the names of all members of a trading concern which did not appear in the title under which the firm carried on business, said, that the Bill was designed to remove inconveniences that were constantly occurring in the transaction of business, to purify the commercial atmosphere, and to put an end to fraudulent and vexatious proceedings which prevailed under the present system, peculiar to this country, of allowing persons to carry on business under names which were not those of the members of the firm. It was a common circumstance for a firm established long

ago to be carried on under its original title by persons of different names, and, no doubt, it was an honourable thing to succeed to the prestige of a well-known and long established house; but the absence of any registration of the names of partners opened the door to fraud, and involved commercial men in great inconveniences—for instance, there was no law to prevent any man from trading under the name of a Baring or a Rothschild. The Bill proposed a system of registration whereby the Christian and surname of every person in every firm should be entered. There was very little hardship in the proposal. It was already done in the shipping trade, by brewers and distillers, and by attorneys and bankers. The proposal was a reasonable one, and if adopted would be of great advantage to the trading community, and it would remove the legal difficulty that so frequently arose when it was necessary to sue on a bill of exchange, and which consisted in the fact that before a writ or summons could be issued against a firm, it was necessary to give the respective names of the persons *bond fide* carrying on the business. There had been cases in which judgment had been obtained, and execution issued against a man, before it was discovered that the property to be seized was not that of the individual, but that of himself and of his partners whose existence had been concealed. The question had for a long time occupied public attention both in the commercial and legal worlds. In 1856 the Chamber of Commerce of Manchester brought the subject forward. It was followed up at the meeting of the Social Science in 1857. In 1858 the Marquess of Ripon, then Member for the West Riding, brought in a similar Bill to that, when a long debate took place upon it, and the preponderance of opinion was decidedly in its favour; and, subsequently, Mr. Scholefield, when Member for Birmingham, attempted to legislate on the subject. The whole commercial community, so far as could be ascertained, was in favour of it. Petitions had been presented in support of that Bill from all the principal commercial towns in the country, and not one against it. Two Petitions had been presented from Scotland—one from Edinburgh, and the other from Glasgow—approving its principles, and praying that its provisions might be extended to that coun-

try. The Belfast Chamber of Commerce had expressed an opinion in its favour, and that it might be extended to Ireland. Partnerships were compulsorily registered in Holland, Belgium, Spain, Austria, Germany, and Russia, none of these countries being devoid of mercantile knowledge and experience, and he was not aware of any reason why a measure of this kind should be rejected in England, which boasted so much of commercial morality and honesty. He had received a host of communications from mercantile men, all of whom complained of the difficulty they experienced in ascertaining the names of the actual partners in firms with which they were invited to deal in business. The Mercantile Commission of 1825 reported in favour of the principle of that Bill, and his opportunities of knowing the feeling of the commercial community of the present day enabled him to state that they greatly approved of the measure. He had not yet heard any hon. Member deny that a Bill of that kind would tend to heighten the standard of commercial morality in this country, and that was an object of great importance; nor had he heard from anyone outside the House any argument which really struck at the principle of the Bill. He now asked the House to agree to the second reading, in the belief that it would surely put a stop to immorality in commerce, and tend to regulate the prosecution of business in this country.

MR. MONK seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Norwood.*)

MR. BAINES said, the Chambers of Commerce in the great towns of the North were, as far as he was aware, unanimous in favour of the principle of the Bill. He had presented Petitions to that effect from the Leeds Chamber of Commerce, from the Associated Chambers of Commerce, and from London bankers. For many years the opinion had obtained among the commercial classes, especially among bankers, that it was absolutely necessary to put a stop to the fraud which now prevailed extensively, and this end might be attained if they had the means of ascertaining the value of partnerships the composition of which was not indicated in the title of the firm.

Mr. Norwood

MR. BARNETT, in supporting the Bill, remarked that, as a banker, he could testify to the inconvenience which was daily experienced from the absence of information respecting the value of firms.

MR. GREENE said, he was also glad to have the opportunity of supporting a Bill of that kind. After hearing such arguments as had been advanced in favour of secrecy, it was quite refreshing once more to set about doing business in an open, bold English style; and he hoped the hon. Members whose names were printed on the back of the Bill would be found opposing the Bill.

THE ATTORNEY GENERAL said, if hon. Members who supported the Bill really believed it would answer, there was no objection on the part of the Government to that measure. At the same time, he thought it his duty to point out that a Bill of that kind would throw a considerable burden upon a large class of traders. He could well understand the propriety, where exceptional powers were given to joint-stock, railway and other companies, of accompanying those powers by an obligation on the part of the companies to register themselves. The same remark was applicable to ships, though the shipping interest was subject to a separate code of laws of its own. But he questioned whether it was desirable, or whether it would be popular, to insist upon the registration of every partnership in the kingdom, no matter how small the firm might be or limited its existence, for that Bill would legally apply to the smallest class of partnerships. To take an extreme case, it would even apply to a costermonger if he should enter into business with another costermonger whose name did not appear on the cart; and it would impose a penalty of £20 if the firm failed to register itself, and a further penalty of £20, in the event of a dissolution not being registered also. These two costermongers would be required to give as many particulars respecting the nature of their calling, the number of their warehouses, shops, &c., as if they represented a great mercantile firm. Upon such traders, and on the poorer classes generally, that Bill would have a burdensome effect. The House had to consider, therefore, whether the inconvenience would be counterbalanced by the benefits of the measure. His hon. Friend who introduced the Bill (*Mr. Norwood*)

observed that a register was wanted in order to show precisely with whom the merchant was dealing. But it appeared to him that with regard to the higher class of traders, who he might consider as being fairly represented by the various Chambers of Commerce throughout the country, that was an attempt to substitute a register for the better means of getting information which now existed—namely, by inquiries respecting the position of customers. When his hon. Friend contended that the Bill would do away with all commercial frauds, he appeared to take a too sanguine view of the question; for that result of the measure was a very questionable one. If it did anything, the system of registration proposed might lead to the creation of new frauds. This was a case in which it might undoubtedly be—

“Better to bear the ills we have
Than fly to others we know not of.”

According to the Bill registration was to be taken as *prima facie* evidence of partnership, and fraudulent traders using that register for gaining credit would know that they would be looked upon as partners until their actual character was detected. So that the Bill, while avoiding one kind of fraud, was liable to fall into another. Having formerly opposed the principle of the Bill, he did not now see sufficient grounds for changing his opinion with reference to the possibility of carrying it out. If, however, this measure was desired by the commercial classes, let them try it. All he thought it right to do was to point out the legal results which might follow if a Bill of that kind were passed.

MR. MITCHELL HENRY said, he agreed very much with what had fallen from the hon. and learned Gentleman the Attorney General. No doubt registration would be useful to great traders; but in the case of small traders he (Mr. Henry) feared the difficulties of carrying it out would be insuperable, particularly in small country towns and villages, where it was not unusual for persons who had been in domestic service to set up shops by the help of acquaintances who entered into *quasi*-partnerships. And even in the case of great mercantile houses, it would by no means afford the protection which his hon. Friend the Member for Hull (Mr. Norwood) claimed for it. What was to prevent

anyone from changing his name as often as he pleased? John Smith had only to execute what is called a “deed poll,” and forthwith he became John Coutts, and might trade as Coutts and Co. without let or hindrance. Some few years back a Mr. Jacob Bugg became all of a sudden Mr. Norfolk Howard—and thus any man or any number of men might change their names, and trade under any designation they liked. It was the substance, not the name, that must be looked to, and no Acts of Parliament could do for a man that which he ought to do for himself—that was, to inquire carefully into the character and standing of those to whom he intrusted his money; but, on the other hand, he might easily be led into a false security if he relied too much on such a system of registration as was now proposed, and which he had plainly showed must, to a great extent, be illusory. The Bill, moreover, would require very careful revision; for, in particular, the 15th clause, under which the entries in the books would be *prima facie* evidence of the facts therein stated, was fraught with extreme danger. What was to prevent a fraudulent person from registering anybody as his partner in some remote quarter of the kingdom, and the first time the victim became aware of it, might be by receiving a summons to pay up, or a declaration of bankruptcy against him, when, according to the Bill—

“The original entries in the books by this Act directed to be kept shall be *prima facie* evidence of the truth of the facts therein stated in any action or suit or other proceeding.”

If the Bill passed, it would require a very searching investigation in Committee; and, indeed, he did not know of any subject which was more deserving of an exhaustive examination by a Select Committee of that House. He hoped the principle of the measure would be thoroughly sifted by hon. Members who were not engaged in commerce, but who were acquainted with the habit and requirements of the poor who made up the great body of the traders of this country, for it would be difficult to make many of them understand how they were to carry out the law. It was different with bankers, between whom and the great mass of people engaged in small trades there was no analogy. Particular and well-recognized traders, such as bankers, shipowners, and the like, might

easily be registered; but to attempt to register all traders, no matter how small or humble they might be, would require a book like the *Grand Livre de Rentes*, of France, and, from the incessant alterations, would be extremely difficult to keep correct. He confessed also that he had a great dislike to any extension of a system which would enable a common informer to recover ruinous penalties from poor and ignorant people by the aid of the summary jurisdiction of magistrates, and, on all these grounds, he hoped that great care would be exercised before final legislation.

Mr. COLLINS said, he also hoped the Bill would be sent to a Committee upstairs. Although the Bill, like most Bills drawn by private Members, would require many alterations, it nevertheless embodied a principle which he trusted would be affirmed by the House. Everyone who was familiar with the Courts of Law knew that an action might be brought against one partner in a firm, and that on a plea of abatement being entered the plaintiff would have to begin again. Besides, a verdict might be obtained against one partner who was insolvent, while there might be in a firm several unknown partners who were perfectly solvent. In the commercial circles of the West Riding of Yorkshire there was an almost unanimous opinion that this Bill was founded on a good principle, which, stated plainly, was that people should be liable for their own actions, and that all partners should be registered. As to small traders being affected by a measure of that description, his own experience induced him to believe that partnerships rarely existed among the lower classes. All that seemed to be done was for one person to lend money to another in the hope of obtaining heavy interest for it, that hope depending upon the success of the investment in trade. But wherever there were partnerships, even among small traders, there registration would be useful.

Mr. E. POTTER said, he should be better pleased if the hon. Member for Boston (Mr. Collins) had stated some facts in proof of the necessity for a Bill of that kind. A few years ago, when a similar measure was brought forward, he (Mr. Potter) ascertained that, in Manchester alone, there were from 4,000 to 5,000 partnerships. What value would be a register for all England? From

Mr. Mitchell Henry

the mere fact that 200,000 to 300,000 partnerships would have to be registered, it would be so cumbersome that he questioned whether it would ever be referred to at all. Again, registration would be useless because it would afford no information as to the capital and standing of a firm, and therefore, in that case, would not cure immorality in business. Much was said about losses. For his part, he did not think the amount was great in careful trading, probably not more than 8 per cent per annum.

Dr. BALL said, he was of opinion that, as the Bill would change the law as it had existed in this country for centuries, it would be desirable to withdraw it for the present, and to appoint a Select Committee next Session to inquire into the law on partnerships, and the desirability of establishing a system of registration.

Mr. MAGNIAC said, he was of opinion that the present state of the law was very unsatisfactory. The Limited Liability Act had proved to be not only a failure but a disgrace. He hoped that the subject would be discussed before a Select Committee. The costermonger would sell his greens in his own name, or without any name at all, irrespective of the interests of any person as a partner. The magnitude of the English trade was a reason why regulations were required. Any member of a firm could, on a penny stamp, convey away the whole of the property of the firm by a stroke of the pen, while a man was entirely unable to divest himself of the character of a partner in less than a month. Individuals took the name of extinct firms. And what was the object? To obtain credit, which their own names would not command.

Mr. OSBORNE MORGAN said, it was a well-understood maxim that publicity in business meant honesty, and that secrecy meant fraud. The members of a limited company, often thousands in number, were obliged to publish their names and addresses, and why should not the members of private firms be likewise compelled to do so?

Mr. HERMON said, he thought great inconvenience would be caused to small traders by a system of registration, and hoped the second reading would only be agreed to on the understanding that the Bill should be referred to a Select Committee.

MR. MUNDELLA said, he thought the Bill a necessity. He had himself experienced a good deal of inconvenience, and, in one instance, loss, from the absence of a system of registration in that country. When an English firm established a branch abroad it had to register all the names of the partners; in England there was no such necessity. In the Bankruptcy Court a father was supposed to be a partner of his son; but the son became bankrupt, and it then became manifest that the father had been a creditor under a bill of sale, and had swept away all the son's property. He hoped the House would, by reading the Bill a second time, affirm its principle, and then refer it to a Select Committee.

SIR DAVID SALOMONS said, there could be no doubt that a system of registration, so that the names of all the partners in a firm would stand revealed, would prove to be a great convenience. He therefore hoped the Bill would be read a second time, on the understanding that it should be referred to a Select Committee.

MR. A. PEEL said, it seemed to be agreed on all hands that some registration was necessary. The question was, whether that Bill would carry out the general wish? There would be great difficulty in carrying out the measure in consequence of the multiplicity of its details, and he must say that he agreed with the hon. Member for Galway (Mr. Henry) in his objection that the provision contained in the 15th clause, making the original entries in the books required by the Bill to be kept *prima facie*, evidence of the facts therein stated, was fraught with extreme danger. He, however, would consent to the second reading on the condition that the measure should proceed no further in the present Session, but that it should go before a Select Committee in the next.

MR. TURNER said, he could see no objection to the principle of the Bill, for only those who desired to conceal their names under the guise of an old-established firm would show any hesitation in accepting the proposal that traders should register their names. He thought the Bill should be read a second time, and referred in the next Session to a Select Committee.

MR. NORWOOD said, he was perfectly content with the result of that debate, and, having no desire to press the

subject hurriedly, or to carry his proposal by surprise, would accept the suggestion to inquire into the whole of the subject to which the Bill referred by means of a Select Committee next Session.

Motion agreed to.

Bill read a second time, and committed for this day two months.

TITHE RENTCHARGES (IRELAND) BILL.
(Mr. Heron, Sir John Esmonde, Mr. Murphy.)

[BILL 132.] SECOND READING.

Order for Second Reading read.

MR. HERON, in moving that the Bill be now read a second time, said, its main object was to get rid of the expensive process by which landlords in Ireland at present were enabled to relieve themselves from their tithe rentcharges. The said tithe rentcharges had been, by the 1 & 2 Vict. c. 109, substituted for certificates of tithe heretofore granted by Commissioners appointed under the Act of 4 Geo. IV. c. 99, and the provisions of which said certificates, as to duration and amount of certain values therein set out, had been further modified and amended by 5 Geo. IV., c. 62, 7 & 8 Geo. IV., c. 60, and 2 & 3 Will. IV. c. 119; and it being found that the said tithe rentcharges are not uniform, and that in consequence of the forms and proceedings required to be taken under the several Acts herein recited, very few applications had been made to substitute rentcharges in lieu of the certificates required under the said recited Acts; and it also being requisite that the rentcharges should be made subject to certain variations, as ruled by the price of corn, the 1st section of the Act provided that from and after the passing of the Act, all rentcharges in lieu of tithe should increase and decrease, and be subject to variations in a degree corresponding to certain averages of the value of corn, to be computed as herein-after provided. Provided always that any landowner charged with said rentcharge may, if not desirous of taking any advantage of the said Act, purchase such rentcharge from the said Commissioners. The 2nd section enacted that such rentcharges might be varied by the Irish Church Commissioners upon application to be made by said landowner, if made within three years after the

passing of the Act, such variation to be based upon the average price of corn as advertised in *The Dublin Gazette*, for the seven years immediately preceding the application: all tithe rentcharges, whether varied or not under the provisions of this Act, after the expiration of the said three years, not to be liable to any future variation. By the 3rd section poor rates might be deducted from tithe rentcharge in all cases of purchase under 32nd section of Irish Church Act, the Commissioners of which were, by the 4th section, empowered to make general orders, and settle forms of procedure for the more effectual carrying out of the Act. The 5th section provided that it should be lawful for any landowner to purchase the tithe rentcharge charged on his land for the space of five years after the passing of the Act; and that during said five years it should not be lawful for said Commissioners to sell such tithe rentcharge to the public, unless after due notice the said owner refuses to purchase the same. The 6th section declared that it should be lawful to make such variation apply to the lands of all other owners in the same parish who might have applied to have such variations fixed, for which purpose the said Commissioners were to be empowered to keep a book, in which a record of all such variations were to be entered, such book to be open to the inspection of the public at a fee of 1s. for each inspection. In conclusion, the 7th section merely limited the application of the Act to Ireland.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Heron.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. Dowse) opposed, on behalf of the Government, the second reading of a Bill which was exceedingly one-sided, and interfered in a manner which it would be difficult to justify with the settlement lately arrived at. It proposed also to impose upon the Church Commissioners duties which they had not expressed their willingness to undertake; and, further, it would reduce the surplus of the Church funds by at least £200,000. This was admitted—he himself thought £500,000 would be a more likely estimate. A question might, no doubt, arise, whether some change should not be made in the manner of dealing with the tithe rent-charge; but cer-

Mr. Heron

tainly this Bill did not satisfactorily or fairly meet the difficulties of the case; besides, the subject was one to be dealt with, if any alteration was to be made, by the Government, and not by a private Member.

Dr. BALL also opposed the Bill, which, although there were grounds of complaint about the tithe rentcharge as it at present existed in Ireland, would introduce a great deal of confusion and difficulty in matters now settled.

SIR FREDERICK W. HEYGATE, though an opponent of the Irish Church Act, regarded that measure as a settlement of the questions to which it referred, and objected to their being reopened in a manner proposed by this Bill.

Mr. BAGWELL moved that the debate be now adjourned.

Motion agreed to.

Debate adjourned till Wednesday next.

ELEMENTARY EDUCATION ACT (1870) AMENDMENT (NO. 2) BILL.

On Motion of Sir THOMAS BAZLEY, Bill to amend the Elementary Education Act, 1870, so far as regards the raising of money in Municipal Boroughs, ordered to be brought in by Sir THOMAS BAZLEY, Viscount SANDON, Mr. DIXON, and Mr. CARTER.

Bill presented, and read the first time. [Bill 228.]

PUBLIC LIBRARIES ACT (1855) AMENDMENT BILL.

On Motion of Mr. J. G. TALBOT, Bill to amend the Public Libraries Act, 1855, ordered to be brought in by Mr. J. G. TALBOT, Mr. GEORGE GREGORY, and Mr. LYTTELTON.

Bill presented, and read the first time. [Bill 229.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 6th July, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Public Libraries (Scotland) Act (1867) Amendment * (241); Statute Law Revision * (242). *Second Reading*—Union of Benefices Acts Amendment (219). *Committee*—Burial Grounds (231); Life Assurance Companies Act (1870) Amendment * (195-243); Gas and Water Provisional Orders Confirmation * (162-244); Owens College * (211-245).

Committee—Report—Tramways (Ireland) (203); Prevention of Crime* (207); Bath City Prison* (80); Metropolitan Board of Works (Loans)* (201).*

Third Reading—Judicial Committee of Privy Council (233-246), and passed.*

UNION OF BENEFICES ACTS AMENDMENT BILL—(No. 219.)

(*The Lord Bishop of Winchester.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF WINCHESTER, in moving that the Bill be now read the second time, said, that the Bill enacted that where two or more benefices, or parts of benefices, were united and held by one incumbent, and there were more than one church within the limit of the united benefice, it should be lawful for the Bishop of the diocese, upon application and consent in writing of the incumbent and patron, and with the consent of the parishioners in vestry, to direct that one of such churches shall be constituted the parish church; and that the disused church might be either pulled down, or left for use as a chapel of ease or as a mortuary chapel. The site, however, of the church and churchyard was to be preserved and kept from desecration. All rights possessed by the parishioners in the church to be taken down would be transferred to the other, and the maintenance of tombstones and monuments was provided for. He had withdrawn the clause inserted at the instance of a right rev. Brother last Session, facilitating the union of parishes which could not at present be united, as this then prevented the passage of the Bill in "another place." The Bill would not warrant the alienation of the churchyard or site of the church, and it would be attended with great convenience in some cases.

Bill read 2^a (according to Order), and committed to a Committee of the Whole House on *Tuesday* next.

BURIAL GROUNDS BILL—(Nos. 181-231.)

(*The Earl Beauchamp.*)

COMMITTEE.

House in Committee (according to Order).

Clause 1 (Person objecting to burial service entitled to decent interment).

LORD DYNEVOR objected that Dissenters should be precluded from cele-

brating any burial service in the churchyard—such a prohibition seemed to him an unjust stigma upon our co-religionists. There were thousands of good and devout Nonconformist ministers who were capable of performing a service reverently and properly; and though the permission to do this would be liable to abuse, it was no more than was the case with every good thing. As a clergyman he felt it to be a sacrifice to allow Dissenters to celebrate a burial service in the churchyard; but he had felt that it was a sacrifice which he ought to make—and having conceded Dissenters the right of burial their Lordships should go a little further, and allow them, under proper safeguards, such as restricting the service to hymns, a portion of Scripture, and prayer, to celebrate a burial service. He thought it would be better to wait until the Bill which was now passing through the other House should come up to their Lordships, when he hoped some satisfactory measure might be devised.

EARL BEAUCHAMP said, that the Bill, as he originally introduced it, had been amended by the Select Committee, in accordance with the suggestion of the right rev. Prelate (the Bishop of Winchester). As to the noble Lord's proposition for the introduction of safeguards, he (Earl Beauchamp) had found that "safeguards" were usually of an unsubstantial character, and that to leave anything to a person's discretion was to leave it to his indiscretion. Even hymns might be made the vehicle of an unpleasant feeling. The subsequent clauses of the Bill would enable persons to convey not more than an acre of ground for the purpose of a Nonconformist burial-ground, and this facility, coupled with the permission to bury in the churchyard without any service where the deceased person had expressed his wish in writing to that effect, or where his relatives entertained the same objection, would remedy any hardship which at present existed.

THE ARCHBISHOP OF CANTERBURY thought it would be satisfactory to their Lordships to learn from the noble Earl or from the Government whether the Bill was likely to satisfy those whom the House would be anxious to conciliate.

EARL BEAUCHAMP said, he could not undertake to say whether the Bill would satisfy the Nonconformists, and, seeing the variety of opinions which existed among them, it would be difficult for anyone else to do so. He looked

upon the matter in this light—that there was a grievance, and this was an honest and conciliatory attempt to remove it; and therefore he believed the Bill would satisfy the reasonable portion of the Dissenters, and those who had no ulterior designs in raising this question. Their Lordships ought to be anxious, whatever the opinion of the Dissenters might be, to redress a substantial grievance—especially as it was one which had excited a feeling against the Church not warranted by the extent of the grievance.

THE BISHOP OF WINCHESTER remarked, that had his most rev. Friend (the Archbishop of Canterbury) been present on the second reading he would have felt and sympathized with the general desire of their Lordships to remove a real grievance, without attempting to satisfy every dissatisfied person. The noble Baron who spoke first (Lord Dynevor), so far from putting the Dissenter and the Churchman on an equality, would give the former a liberty which no Churchman or clergyman enjoyed. To do more than remedy the actual grievance and go further would be unjust to the Church:—and it was, at all events, worth trying whether this Bill would not gradually heal any irritation which at present existed.

EARL GRANVILLE said, he rejoiced to hear the kind feelings expressed by the right rev. Prelate towards the Dissenters; but he thought their Lordships should remember that they were almost to a man Churchmen, and that it was very important to use great care and circumspection when they undertook to legislate on questions affecting Nonconformists. He could not say how far the Bill would be satisfactory to Dissenters; but as it had been settled by a Select Committee, he should not, without compromising himself as to the future, interfere with its present progress.

THE ARCHBISHOP OF YORK remarked, that unless they had some reason to believe that the Bill would be acceptable to those who represented the Nonconformists in the other House, the discussion could at best be a piece of amusement and might possibly be mischievous. Unless it satisfied the Dissenters it would be mischievous, because the effect of the 1st clause was to make the use of the burial service merely optional, and might lead to irreverence and ill-feeling.

Earl Beauchamp

LORD BELPER, as a member of the Select Committee, was convinced that the Bill, in its present form, would not satisfy the great body of the Dissenters.

THE MARQUESS OF SALISBURY said, he did not look upon the Bill as simply a relief to Dissenters. On the contrary, it was notorious that on the subject of the burial service very unpleasant and acrimonious disputes arose among Churchmen. Therefore, it seemed to him desirable, as some persons, through exaggerated scruples, objected to particular expressions in the burial service, that Churchmen as well as Dissenters should be able to dispense with it. Even, therefore, if it failed to satisfy Dissenters, the Bill would not be useless. Moreover, where there was a grievance partly real and partly fictitious, the House should not wait for the question to be thrust upon them, but should at once lay down the policy which they thought just, both to Churchmen and Dissenters. He hoped that when the Bill went down to the other House the Dissenters and their representatives would consider it in a conciliatory spirit; but in any case their Lordships would not be wasting labour by showing their anxiety to remedy a substantial grievance.

THE DUKE OF CLEVELAND, as another member of the Select Committee, explained that they had modified the Bill in the sense suggested by the right rev. Prelate (the Bishop of Winchester), which appeared acceptable to many of their Lordships. To attempt to prescribe a form of service acceptable to Dissenters would have been hopeless, and he believed the Bill would satisfy many of the promoters of another measure in the House of Commons—though, of course, it would not satisfy persons of extreme opinions.

THE EARL OF AIRLIE, as another member of the Committee, pointed out the abuse to which permission to pronounce any discourse in a churchyard would be open; but he was ready to accept any suitable form of service on which the Dissenters and their representatives in the House of Commons might agree.

THE EARL OF MORLEY feared, from the proceedings in “another place,” that the Bill was not likely to satisfy any considerable proportion of the Dissenters.

Amendments made; the Report thereof to be received on *Monday* next.

PRAYER BOOK (TABLES OF LESSONS)
BILL.*(The Lord Chancellor.)*

COMMONS' AMENDMENTS CONSIDERED.

Commons' Amendments *considered* (according to Order.)

THE LORD CHANCELLOR said, he should move that their Lordships do agree to the Commons' Amendments in this Bill. Two only were of importance. One of them permitted the use of the present Lectionary until the 1st of January, 1879—the intention being to give time for the gradual withdrawal of the present Prayer Books from churches; and another specified more distinctly the occasion on which the Bishop might direct a change to be made in the Lessons.

In answer to a Question of the Earl of CAERNARVON,

THE LORD CHANCELLOR said, he saw no reason why the old Tables of Lessons and the new Tables should not be printed side by side, if there should be a wish to have both.

EARL STANHOPE objected to the Amendments; but seeing the difficulty with which the Bill had escaped the "Massacre of the Innocents" in the House of Commons, he should be unwilling to send it back thither. He understood that the use of the present Lectionary until 1879 was to be optional in deference to the scruples of certain clergymen as to the use of the new Tables. It was strange, however, that those scruples should be respected for seven and a-half years and then cease to be so.

LORD CAIRNS asked which of the two reasons assigned for the Amendment was the correct one. If the object was to respect scruples, it must be thought that scruples, like vaccination, lost their efficacy in seven years. He had been told that the extension of time was adopted at the suggestion of the right rev. Bench. But he did not see that the people ought to be left in doubt which Lectionary was to be in use during the next seven years. He saw no risk of the loss of the Bill by disagreeing to the Amendment.

THE ARCHBISHOP OF YORK explained that a proposal being made in the House of Commons to make the use of the old Table optional for all time, and that the two Tables should be printed side by side, it was suggested by some right rev. Prelates that the question might be met by leaving it optional for a longer

time than had been intended. He thought seven and a-half years a needlessly long period; but a considerable number of the clergy had scruples as to the use of the new Table. The Amendment would give them time to consider how far those scruples were valid, and when they saw the working of the new Table in adjoining churches they would, if reasonable men, abandon their scruples.

THE ARCHBISHOP OF CANTERBURY said, it had always been felt that some time must be allowed before the use of the new Tables became compulsory, and how long that period was was of little importance. Seven years might be too long a period; but it was not worth while to imperil the Bill on that account. He trusted, with his most rev. Friend, that the general convenience of the new Tables would secure their general adoption. The more distinct definition of the occasions when the Tables might be departed from would, he believed, be acceptable to the clergy generally. He was thankful that the Bill had reached the present stage, and thought it a good omen that a measure of ecclesiastical reform was likely to become law. He regretted that the Bill had not been made part of a more enlarged scheme of ecclesiastical reform. It was his impression that the recommendations of the Ritual Commissioners should have been embodied in a more enlarged scheme, of which this Bill would have been part. Having while at a distance addressed the clergy on the importance of sundry ecclesiastical reforms, he was thankful to say that four out of the six or seven measures which he then recommended was likely to become law this Session—namely, the Sequestration Bill, the Union of Benefices Bill, the Registration of Benefices Bill, and the present measure. This was a happy omen, for there had been a general impression that all measures of ecclesiastical reform were likely to be thwarted, owing to the feeling existing in the country with regard to an Established Church. He had often heard it stated that a large number of persons being opposed to an Established Church on principle wished the Church to have as many faults as possible, and were determined that it should be in no way improved. Now, he had never believed that the common fairness and common sense of Englishmen, whether Churchmen or not, would allow them to acquiesce in such a mode of opposing the

Established Church. He rejoiced, therefore, at the practical refutation of the supposed impossibility of carrying ecclesiastical reforms through the House of Commons, and hailed it as a proof, not only that the members of the Church were anxious to improve it, but that they had the sanction and good feeling of the whole of their fellow-countrymen in making the Church as effective as possible for its great purposes.

THE BISHOP OF CARLISLE said, he should have rejoiced to see effect given to others of the recommendations of the Ritual Commissioners; but he thought that to have embodied them in a Bill without the concurrence of the Convocations of Canterbury and York would have been disastrous to the Church.

THE ARCHBISHOP OF CANTERBURY disclaimed any such intention in the remarks he had made.

Motion agreed to.

JUDICIAL COMMITTEE OF PRIVY
COUNCIL BILL.—(Nos. 212-233.)

(*The Lord Chancellor.*)

REPORT. ADJOURNED DEBATE.

THIRD READING.

Adjourned debate on the Amendment moved on Report—[which Amendment was, in Clause 1 (Appointment of additional Members of the Judicial Committee), leave out from ("salary") to ("and") in page 2, line 1]—resumed (according to Order).

LORD CAIRNS said, their Lordships were now proposing very wisely to make a selection from the existing Judges of the Superior Courts, and to offer to them a position of paid members of the Judicial Committee of the Privy Council; but in order to demand the services of those whose services it would be most desirable to have, it seemed to him that their Lordships must be enabled to offer to them an appointment equal in respect of duration and salary to that which they now held. It was for that purpose he had moved the Amendment now before their Lordships.

THE LORD CHANCELLOR said, the noble and learned Lord's Amendment pointed to a difficulty; but he thought that with a slight modification it might be adapted to meet his noble and learned Friend's views. In a Bill of this kind, framed for the purpose of meeting an immediate emergency, it

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would scarcely be right that it should provide for the assistance of those four learned Judges without their being members of the Privy Council. Position in this case was of much more importance than salary. It would surely not be right to make a disparaging difference between those Judges and the other members of the Privy Council. The Amendment of the noble and learned Lord proposed that, although the Judges might be removed from the Privy Council by the Crown, they could not be deprived of the office to which they had been appointed. This would produce an anomaly, for, according to the words of the Amendment, it appeared that, after the removal of one of the Judges from the Privy Council, in which case he could not act, he would receive his salary for nothing, unless it were stopped by a concurrent Vote of the two Houses of Parliament. The Amendment might be altered so as to provide that—

"Every such person shall, so long as he shall continue to be a Privy Councillor acting under this Act, but no longer, have the same title to continue to receive the salary hereby provided for him as if he were a Judge of one of the Superior Courts holding office during good behaviour, but removable by Her Majesty upon Address of both Houses of Parliament."

LORD CHELMSFORD pointed out that the Judges to be appointed under this Bill would occupy a totally different position from that held by the other Privy Councillors. The proposal of the noble and learned Lord on the Woolsack, if adopted, would place those Judges on a lower footing than that occupied by the Judges of the most inferior Court in the kingdom, because they would then be removable by a mere stroke of the pen.

LORD ROMILLY said, this was professedly a temporary Bill, introduced to meet an emergency until the Legislature should be enabled to pass a measure regulating the whole course of the appellate tribunals, and its object was to leave the Judicial Committee of the Privy Council very much as it stood, but with the addition of certain members to be appointed at certain salaries. It would not be difficult to find qualified persons to accept that position without interfering with the rights of the Crown in respect to Privy Councillors; and he hoped the point now at issue would be arranged without the necessity of going to a division.

LORD CAIRNS said, he had no doubt that if the terms held out were even less advantageous than they were there would be no difficulty in obtaining persons to take these appointments. The only question was whether they would secure the services of the best men. The difference, however, between the words which he himself proposed and those proposed by the noble and learned Lord on the Woolsack was not such as to induce him to press for a division.

Amendment amended, and agreed to.

THE MARQUESS OF CLANRICARDE proposed an Amendment, with a view to render the Irish and Scotch Judges eligible, as well as their English brethren, to hold the appointments contemplated by that Bill. It was an undeserved slight upon those Judges to omit them from the measure. He therefore moved, in page 1, line 19, after ("Westminster") to insert ("or Dublin or Edinburgh.")

THE LORD CHANCELLOR assured the noble Marquess that no slight was intended upon either the Scotch or the Irish Bar. He had only to remind their Lordships that this was but a temporary measure, framed for the removal of the accumulated appeals which now clogged the cars of justice. The noble Marquess's proposition would properly come under consideration when the general measure of law reform was brought forward. The Bill followed, as much as possible, the present formation of the Judicial Committee; but the whole question would remain open for future consideration, when it would be competent for their Lordships to introduce such changes as had been suggested. The Bill was brought in to meet a pressing emergency which would arise in November when the Committee renewed its sittings after the Long Vacation, and consequently it was thought necessary to ask for the assistance of the Judges. He hoped the noble Marquess would not press his Amendment.

LORD REDESDALE rose to call the attention of their Lordships to a point of Order. The Amendment of the noble Marquess could not now be put, as it referred to a part of the clause which had just been amended. It could not now be moved until the third reading.

THE MARQUESS OF CLANRICARDE said, he would withdraw the Amendment.

Amendment (by leave of the House) *withdrawn.*

Amendment made, in page 2, line 9, leave out from ("him") to ("a") in line 10.

Amendment made, in page 2, line 19, after ("determine") insert

("it shall be the duty of every person appointed to act as a paid member of the Judicial Committee under this Act to attend the sittings of the said Committee when summoned thereto unless he shall be prevented by reasonable cause; and every such person shall, so long as he shall continue to be a privy councillor, acting under this Act, but no longer, have the same title to continue to receive the salary hereby provided for him as if he were a judge of one of the superior courts holding office during good behaviour but removable by Her Majesty upon an address of both Houses of Parliament.")

Clause 2 (Continuous sittings of and attendance of Members of the Judicial Committee).

LORD CAIRNS said, he objected to this clause, and he should take the opinion of the House on it. The Bill was said to be introduced for a temporary purpose, yet if this clause were carried it would alter the whole constitution of the Committee in a manner which in many cases would be most prejudicial. The Lord President derived his position and authority in the Council from the will of the Sovereign, and not from Parliament, and the power therefore proposed to be given to the Lord President resided in the Crown, and could be exercised by the Crown. It was unnecessary to create a power that existed at the present time. His second objection to the clause was that it would give power to the Lord President to summon not only the paid, but the unpaid members of the Judicial Committee, and to compel their attendance. A third objection was that the existence of such a power would give occasion to a suspicion—which already existed in a certain degree, though without any ground whatever—that in a certain special class of cases those members only might be summoned whose opinions were known to tend in a certain direction—in short, that the Committee would be "packed."

LORD ROMILLY said, he understood the clause proposed to give to the Judicial Committee of the Privy Council the same power that was enjoyed by every tribunal, of making rules and regulations for the disposal of its own business, and therefore he suggested that it should be done by the Lord President

with the consent of the Crown,—that was by the Queen in Council affirming them. He admitted that many persons interested in ecclesiastical cases might be under the impression that by the power of issuing summons for the attendance of particular members for a particular class of cases, a Committee holding particular views might be brought together. He had made a suggestion on a former occasion that the Queen in Council should draw up a *rota* for the attendance of the members, so that no suspicion could arise that particular members were summoned to deal with a particular case. He thought that the clause might be altered on the third reading.

THE DUKE OF RICHMOND said, that as he read the clause it was proposed that Parliament should give authority to the Queen in Council to manage the business of her own Council. That would be an unseemly proceeding, and it would be better to let the law remain as it was. The best course would be to omit the clause altogether.

THE LORD CHANCELLOR said, it had not been the practice of the Judicial Committee of the Privy Council to act under any general orders, but to sit in a desultory way, according to the convenience of the members. Now, however, that it was proposed to appoint paid Judges to sit on the Judicial Committee, he thought it would be well that a regular table of sittings should be drawn up, in a manner somewhat similar to that adopted for regulating the sittings of the Superior Courts. Unless some such course were adopted, there would be some risk that the scheme would fail, and that the arrears of business would not be cleared off after all.

After some further conversation,

Clause *struck out*.

Clause 3 (Salaries to cease on omission of Members to attend sittings of the Judicial Committee without reasonable excuse) *struck out*.

THE MARQUESS OF SALISBURY moved to insert a clause repealing the 16th clause of the Church Discipline Act, which had reference to the hearing of ecclesiastical causes before the Judicial Committee. By that section it was required that the Queen should summon to the Judicial Committee, whenever such causes were to be heard, either the Archbishop of Canterbury, the Archbishop of York, or the Bishop of Lon-

Lord Romilly

don. But, beside the other great and important duties which these eminent persons had to perform, it generally happened that one or more of them was disqualified from sitting from their having been previously engaged in these cases in the Courts below, and these appeals had to be deferred until such time as one of the three could attend who was in no way connected with the case. This was his first reason for desiring to repeal the clause against which his Amendment was directed. Another and a stronger ground was, that for persons not learned in the law to occupy the position of Judges in the last resort was a very anomalous proceeding. It was undoubtedly true that every Member of their Lordships' House had the prerogative right, though a layman, of sitting and deciding questions of law as a Court of final Appeal; but this state of things had been felt to be such an anomaly that for generations none but law Lords, who had received a legal education and training, had ever taken part in appellate Business of the House. The public would think it a very strange thing for the noble Lord (Lord Overstone) to sit on commercial cases because he might know more about mercantile transactions than the lawyers, or that other noble Lords should insist on sitting on land questions because they were possessed of large landed possessions, and he could see no reason why the Bishops, because they were Bishops, should sit in the Committee on ecclesiastical cases any more than those he had mentioned in these particular cases. The ecclesiastical cases that were brought before the Judicial Committee of the Privy Council were often cases between Bishops and clergymen, and the consequence was, as clergymen were not members of the Judicial Council, that the Church was represented on one side of the question only. A more serious objection was that the Bishop might be deciding on his own case, and it might be that in questions of doctrine and ritual that he was a committed man to certain opinions, having by his previous writing and preaching pledged himself before the world to a particular opinion, and that his views were well known on disputed questions of doctrine which agitated the Church. In fact, those opinions were taken into consideration when he was made a Bishop. It was impossible for such a man to resist the

tendency of his thoughts, and of its giving some colour to its judgment; in fact, he could not be an impartial man. It was of the utmost importance that all the Courts of this country should be—as they generally were—above suspicion. The ecclesiastical questions that were brought before the Judicial Committee were frequently of a character which excited men's feelings and passions to the highest degree, and that being so more external precaution should be taken to preserve the impartiality of the tribunal before which they were brought; because, when every precaution was not taken to clear the highest Court in the realm from the faintest suspicion of bias, their decision would not be treated by the excited disputants with that respect which attached to the decisions of other Courts of Law. He had no wish to press his Amendment against the will of the Government, but rather that the Lord President should take the matter into his consideration, with a view to an amendment in that respect; and at the same time he wished it to be understood that in what he had stated he had no wish to throw discredit on the Episcopal Bench.

Moved, after Clause 2, to insert the following clause:—

"The sixteenth clause of an Act of the third and fourth years of Her Majesty's reign, chapter eighty-six, intituled 'An Act for the better enforcing Church Discipline,' shall be and is hereby repealed."—(*The Marquess of Salisbury.*)

THE ARCHBISHOP OF YORK said, there was no doubt that at the present moment there existed in some minds a strong feeling against certain decisions of the Judicial Committee; but it might perhaps happen that when men's minds were cleared of heat and passion, those who entertained the adverse feelings would look upon the decisions in question as the only ones possible under the circumstances. But the objections of the clergy to the Judicial Committee as a tribunal was not so much the presence of the episcopal element as to its deciding ecclesiastical questions as a lay tribunal: and the effect of removing the Bishops would leave the Judicial Committee a mere lay tribunal, without any training as to matters on which they might be called upon to decide. The objections made against this tribunal would not be remedied by the proposal of the noble Marquess. He had then in his possession a Memorial urging in

strong and far from courteous language that the clergy would refuse to be bound by the decisions of a lay tribunal. The simple answer to the question—"What would be thought of lay Lords sitting as Judges of Appeal from the Courts of Law?" as applied to the present case, was that the Bishops were already Judges constituted by law for the trial of causes in their own Courts; and that as the causes coming before the Judicial Committee belonged almost entirely to the regions of theology and Church history, a lay tribunal might find itself in a difficulty in dealing with matters relating to doctrine and practice, unless it had the assistance of some persons who by profession and training were acquainted with such subjects. A Court of Appeal in ecclesiastical causes had existed in England ever since the Reformation, and must continue as long as there was an Established Church in this country.

THE BISHOP OF WINCHESTER said, he could not agree with much of what his right rev. Brother had stated. He believed that the mass of those who were now discontented would be far more satisfied if the decisions given by the Committee were purely legal, and that the discontent with the decisions of the Committee to which he alluded arose from the fact that a pseudo-spiritual character was imparted to a tribunal which was in fact nothing more than the highest Court of Appeal as to the proper legal value of certain words and terms, and these lawyers, in consequence of their legal training, were far better qualified to decide than ecclesiastics. His opinion was that the best means of improving the tribunal, and procuring respect for its decisions, would be to enable its legal members to call in the Bishops as assessors in ecclesiastical causes rather than to have them sitting as permanent members of the Court. If the Church of England were disestablished at once there would still be the appeal to the Privy Council upon questions respecting the holding of its property, just as the Court had jurisdiction at the present time over the endowments of non-established religious bodies in the colonies: and what he desired was that the Privy Council should not undertake to decide on the teaching of the Church as the Established Church, but should deal with matters of the kind in their strictly legal signification.

THE ARCHBISHOP OF CANTERBURY said, he thought his right rev. Brother who had just addressed the House was in error with regard to the last branch of the subject on which he touched. There seemed to be some confusion in reference to this matter. A Court of Appeal was one thing, a Court of Review another. A man who conceived he was wronged in law might appeal to the Court of Queen's Bench and have the question of law settled; but there could be no such appeal on a question of theology or doctrine. The Privy Council received ecclesiastical appeals in exercise of the prerogative of the Queen as head of the Church. Before the Reformation these appeals went to Rome; after it, they lay to the Crown. It had been said that because the Privy Council was a Court of Appeal for the colonies, it was a Court of Appeal for the Church "as by law established." But that was not so. The Judicial Committee had jurisdiction over the property of non-established religious communities in the colonies, just as it had over all other matters upon which an appeal from the colonies lay in law. It was, on the other hand, only in virtue of the Church of England being by law established that ecclesiastical appeals went to the Judicial Committee. Disestablish the Church, and the appeal would be to the Court of Queen's Bench or one of the Courts of Common Law. He maintained that there was no analogy between the cases of appeals to their Lordships' House in civil matters and those which were made on matters ecclesiastical to the Privy Council as representing the prerogative of the Crown. In the administration of that prerogative it had always been part of the constitution of this country that there should be both a spiritual and a temporal law, and he should consider it a great evil if, in order to satisfy any theory that might arise, the old constitutional principle should be entirely set aside. At one time it was urged that there ought not to be any lawyers in the Court; but, while the Church could not dispense with the lawyers, no sudden change of public opinion ought to induce a departure from the constitutional principle that the clerical element should also be represented. A number of persons who revered the episcopal office were never satisfied with the embodiment of it which they saw; but it should be re-

membered that a Bishop was a Judge in his own Court, and it was now proposed to abolish those functions. All that the noble Marquess (the Marquess of Salisbury) had said would apply to those duties as well as to the position of the Bishops in the Judicial Committee. With the deepest respect to the decision of the lawyers in the Privy Council, he must be allowed to say that in some matters that came before them they required ecclesiastical assistance. It had been suggested that there should be clerical assessors; yet they must be judges if their opinion was to be heeded, and if it was not, they would not attend. No three people who could be brought together would be found to be in accord as to an alteration of the present system; but when there was some agreement as to a substantial scheme, he should be glad to support it.

THE EARL OF HARROWBY said, that he was inclined to support the proposal of the noble Marquess (the Marquess of Salisbury), not that he had ever heard any valid reasons to his conviction urged against the present constitution of the Judicial Committee of Privy Council in such matters. The objections seemed to be rather theoretical than practical, and the objections seemed to fail in accordance among themselves as to a remedy, even if the grievance were established. But for himself he had never been able to see why the Church should be unwilling to intrust the interpretation of her documents to the same high tribunal to which the interpretation of the documents of every other religious body, where property was concerned, were confidently intrusted—as well as the final disposal of all our highest temporal interests. It would be impossible to intrust such questions to an ecclesiastical body, or to ecclesiastics, or to Judges chosen by ecclesiastics. The decisions would cease to be interpretations; they would become declarations of opinion. They must become the decisions of partizans. To get rid, therefore, of the very suspicion that such might be the case under the existing system, he was inclined, if a change was to be made, to favour the suggestion that the Judicial Committee of Privy Council should consist solely of laymen, without any mixture of ecclesiastics. It was, however, remarkable to observe the change of opinion upon this matter, which had come over certain parties.

Some years ago an attempt was made to get rid of laymen altogether in these matters.

THE BISHOP OF WINCHESTER explained that the scheme which he then advocated was that in all matters which involved the doctrine of the Church of England an issue should be sent to ecclesiastics, who should return an answer to the lay members of the Privy Council, and they should not be bound to do more than receive that answer and give their judgment.

THE EARL OF HARROWBY said, it would be impossible for those laymen to oppose the decision of such authorities on points of Church doctrine, and therefore all such questions would have been virtually decided by ecclesiastics. The views which were now declared by those who were represented by the right rev. Prelate (the Bishop of Winchester) were therefore wholly different from those which were entertained a few years ago. He did not, however, believe that anything would satisfy those members of the Church of England who were now disclaiming all control, and who would equally resist it whether it rested in the hands of clerk or layman, if it were at variance with their own individual views, the decision should rest in clerical hands.

EARL BEAUCHAMP said, the question had been greatly complicated by the use of inaccurate language. The popular impression was that the Queen was Head of the Church; and even the most rev. Prelate (the Archbishop of Canterbury), though he carefully qualified the phrase, had not refrained from using it. In fact, however, there had been only three Sovereigns who had been Heads of the Church — namely, Henry VIII., Edward VI., and Queen Mary. In no sense, and by no monarch, with the exception of those three Sovereigns, had the title "Head of the Church" been enjoyed by the Sovereigns of England. Queen Elizabeth expressly repudiated it; and the claim therefore of the Privy Council to spiritual jurisdiction, so far as its maintainers founded it upon this erroneous notion, was without foundation.

THE ARCHBISHOP OF CANTERBURY: The appeals which before the Reformation went to Rome went after the Reformation to the Crown; that is the sense in which I spoke.

EARL BEAUCHAMP: The Sovereign

was supreme over all causes, civil as well as ecclesiastical; but, having declared that doctrine, as no one could maintain that the Queen was supreme in civil matters except, according to known rules of law; so in ecclesiastical matters her supremacy was limited by the law of this Church and Realm, according to which, as temporal matters were to be decided by the temporal Courts, so spiritual matters were to be dealt with by spiritual persons. It would be absurd to refer to a mixed tribunal composed partly of spiritual persons and partly of lay persons questions purely temporal, and it was equally absurd to refer to a mixed tribunal questions purely spiritual. Spiritual matters were for the clergy, and matters purely temporal were for the temporal Courts. The supremacy of the Crown ever since the Reformation was exercised by the Court of Delegates. In questions affecting the clergy no doubt civilians were called in to aid that Court; but in questions affecting doctrine the matter was decided by the spiritual members of that Court. As regarded the observations of the most rev. Prelate (the Archbishop of Canterbury), that those persons who formerly advocated the removal of all lay persons from the Court of Final Appeal, were now urging the removal of the spirituality, the reason for the change of position was obvious. Till about 1850 it was supposed that the Judicial Committee of the Privy Council enjoyed some spiritual inheritance, if he might say so, from the Court of Delegates; but that had been repudiated by the Judicial Committee, who claimed nothing more than the construction of legal documents—a task for which lawyers were clearly the best fitted. It was therefore not inconsistent on the part of those persons who were dissatisfied with the decisions of the Privy Council in 1850 to abandon, on further investigation, the plan of reform which they previously advocated, and say that the more legitimate and more constitutional method was that suggested by the noble Marquess.

On Question? *Resolved in the Negative.*

THE LORD CHANCELLOR said, the Bill had been fully discussed on two previous occasions, and he thought there was no reason for delaying the third reading; but he would not press for a third reading if any noble Lord had a further Amendment to propose.

Then Standing Orders Nos. 37 and 38 considered (according to Order), and *dispensed with*; Bill read 3^a; an Amendment made; Bill *passed*, and sent to the Commons; Bill to be *printed*, as amended. (No. 246.)

STATUTE LAW REVISION BILL [H.L.]

A Bill for further promoting the Revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary—Was *presented* by The Lord Chancellor; read 1^a. (No. 242.)

House adjourned at a quarter past
Eight o'clock, till To-morrow,
Eleven o'clock.

HOUSE OF COMMONS,

Thursday, 6th July, 1871.

MINUTES.]—NEW MEMBER SWORN—Patrick James Smyth, esquire, for Westmeath.

MINUTES.]—SELECT COMMITTEE—Slave Trade (East Coast of Africa), appointed and nominated.

Thirtieth Report—Public Petitions.

PUBLIC BILLS—Ordered—First Reading—Local Government Board * [230].

Second Reading—Referred to Select Committee—Royal Parks and Gardens * [217].

Select Committee—Municipal Corporations (Borough Funds) * [203], nominated.

Committee—Elections (Parliamentary and Municipal) (re-comm.) [103]—R.P.; New Mint Building Site (re-comm.) * [223]—R.P.; Industrial and Provident Societies Amendment * [188]—R.P.

Committee—Report—Public Schools Act (1868) Amendment * [204]; Sewage Utilisation Supplemental (re-comm.) * [218]; Dean Forest and Hundred of St. Briavels (re-comm.) * [190]; Election Commissioners Expenses * [220].

Considered as amended—Railway Regulation Amendment * [195].

Third Reading—Local Government Supplemental (No. 4) * [187], and passed.

THE DIPLOMATIC SERVICE.

QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, If the Government intend to carry out the recommendations of the Diplomatic Committee?

VISCOUNT ENFIELD: Sir, Lord Granville highly appreciates the attention which the Committee bestowed on the important questions connected with Her Majesty's Diplomatic Service, and he

will not fail during the Recess to consider how far it may be possible to give effect to the valuable suggestions in their Report. Some of those suggestions, however, and specifically those relating to increased expenditure, and the alterations in the time from which length of service can be taken into account in awarding pensions to retired or unemployed diplomatic servants would require the assent of Parliament, either in voting the money required to carry them into effect or in modifying the Act of Parliament by which diplomatic pensions are now regulated; but in regard to other points which the Secretary of State is free himself alone to deal with, the House may be assured that the recommendations of the Committee will receive from Lord Granville the most attentive and respectful consideration, and he believes that he has already had occasion to act in the spirit of these recommendations.

MINISTER AT STUTGARDT.—QUESTION.

MR. RYLANDS asked the Under Secretary of State for Foreign Affairs, Whether it is correct, as stated in "The Times," that it is intended to fill up the appointment of Minister at Stuttgart; and, in that case, whether Her Majesty's Government will postpone such appointment until after the Civil Service Estimates (Class 5, Diplomatic Services) have been voted in Committee of Supply?

VISCOUNT ENFIELD: Sir, Lord Granville has submitted to the Queen that, under existing circumstances, the rank of the British Representative at the Court of Würtemberg may be reduced, and that in place of an Envoy Extraordinary and Minister Plenipotentiary a *Chargé d'Affaires* shall be appointed to reside there.

ARMY—REVIEW AT BUSHEY PARK.

QUESTION.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether any men and horses, over and above its existing establishment, marched from Aldershot with the Field Battery, which took part in the recent Review at Bushey Park; and, if so, how many; whether such men and horses were supplied by any, and what reserve; and, if not, from what source they were obtained; and, whether he is willing to give a statement

in detail of the reserve, which according to a statement by the Financial Secretary will suffice, after filling up all the batteries to a war strength, to leave a residue of 5,000 men?

SIR HENRY STORKS: Sir, the field battery that marched from Aldershot to Bushey Park had no men over and above its existing establishment, but took 21 horses over the peace establishment of a field battery, for the purpose of horsing extra carriages which accompanied the battery. These horses were lent by another field battery for reasons of economy. With reference to the third part of the Question, the organization of the Artillery at home is such that all the batteries of horse and field artillery at home—that is, 16 batteries of horse artillery and 40 batteries of field artillery, can be put upon the home war footing, and 12 batteries additional of field artillery formed upon the same footing, and there would still be left 5,000 gunners of garrison artillery for the defence of the fortresses.

THE ORDER OF THE BATH.
QUESTION.

LORD RICHARD GROSVENOR asked the First Lord of the Admiralty, What are the principles which direct the selection of officers of the Civil branches of the Navy for the honour of the Military branch of the Order of the Bath; and, whether it is intended that the head of the Medical branch is always to be recommended for appointment as Knight Commander of that Order; if so, whether the head of the Paymaster's branch is to be recommended for a similar distinction; and, if so, why not?

MR. GOSCHEN said, in reply, that the principles which directed the selection of officers of the civil branches of the Navy for the honour of the military branch of the Order of the Bath were embodied in the Statutes of the Order. There was no intention of giving any distinction connected with the Bath permanently in virtue of an office; no such distinction could be gained except by meritorious service. As to whether it was intended that the head of the medical branch was always to be recommended as Knight Commander of the Order, and, if so, whether the head of the Paymaster branch was to be recommended for a similar distinction, he was

not aware that there was a head of the Paymaster branch; there was no office corresponding to that of the Medical Director General; and if there were, he should venture to submit that these comparisons were odious.

IRELAND—MAGISTRATES OF DUNGAN-
NON.—QUESTION.

LORD CLAUD HAMILTON asked the Chief Secretary for Ireland, Whether the Government has received any Memorial from the Inhabitants of Dungannon charging the local magistrates with partiality in the discharge of their duty, and sympathy with certain drumming parties, and praying for an inquiry into the conduct of the magistrates; and, if so, whether the Government has forwarded a Copy of such Memorial to the magistrates accused; whether Captain Ball, R.M., stationed at Dungannon, has communicated to the Government any facts in support of a charge made by him at a late police investigation at Dungannon against the said magistrates of partiality in the discharge of their duties, and sympathy with the aforesaid drumming parties; and, whether the Lord Chancellor of Ireland has informed the Government that he had received an application from the magistrates so inculpated asking for an inquiry into their conduct, and requesting that Captain Ball should be ordered to supply the facts and circumstances on which he founded his most serious charges, and whether the Government have received any communication from the magistrates themselves?

THE MARQUESS OF HARTINGTON replied that the Government had received a memorial from the inhabitants of Dungannon charging the local magistrates with partiality in the discharge of their duty, and that a copy of that memorial would be forwarded to the magistrates for their consideration. It was inaccurate to speak of a charge being made by Captain Ball, for he simply made a statement on oath at an inquiry into the conduct of the constabulary, but he had not communicated to the Government any facts in support of that statement. They had received a copy of the correspondence between the magistrates and the Lord Chancellor of Ireland, and a communication from those magistrates, requesting an inquiry into the facts of the case. He had not had

time to consult the Lord Lieutenant upon the subject, but he should do so, and as soon as any decision had been arrived at he would communicate it to the noble Lord.

CRIMINAL PROSECUTIONS.

QUESTION.

SIR HERBERT CROFT asked Mr. Chancellor of the Exchequer, Whether his attention has been called to the case "Lancashire Justices v. the Treasury," and whether in future the Treasury will pay all costs in criminal prosecutions as taxed by the appointed officers of the courts of quarter sessions and of assizes; and, whether there would be any objection to the half-yearly return of costs in criminal prosecutions being made up to the 25th of March and 29th of September, instead of to the 30th of June and 31st of December, as at present?

THE CHANCELLOR OF THE EXCHEQUER: Sir, my attention has been called to the case of the "Lancashire Judges v. the Treasury," in which a Rule was made absolute, by consent, under the peculiar circumstances of the case, for payment of a larger sum than the Treasury had intended to pay. As to the second part of the Question, whether I am about to give up altogether the control the Treasury has hitherto exercised over those payments made in aid of county and borough expenditure in this matter, I have to say that such is not my intention. These payments are made by the Treasury under Rules which were settled with great care at the Home Office in the time of the right hon. Gentleman the Member for Morpeth (Sir George Grey). To give them up, and to pay whatever costs are taxed in the different Courts, would be to surrender £100,000 a year, and that is a surrender I am not prepared to make. I do not think my opinion is worth much; such as it is I give it to the House; but I do not believe the Court of Queen's Bench would, after argument, make a Rule absolute against the Treasury for the payment of these sums. Until it has done that, and until I have exhausted every means of resistance, I shall not consent to a measure involving such a large sacrifice. As to the Question whether the half-yearly Returns could be made up to the 25th of March and the 29th of September, instead of to the

30th of June and 31st of December, as at present, I have made inquiries from those who collect the information for the Returns, and I am informed that the adoption of the periods suggested would involve the division of the Spring Assizes, which would be very inconvenient, and therefore objectionable.

HOLIDAYS OF GOVERNMENT EMPLOYEES.—QUESTION.

SIR JOHN LUBBOCK asked Mr. Chancellor of the Exchequer, Whether it is the intention of Her Majesty's Government to direct the closing of the Custom Houses, National Debt Office, &c., on the days named as holidays in the Bank Holidays Act?

THE CHANCELLOR OF THE EXCHEQUER: It appears, Sir, to me that this Act was not intended to apply to persons in the service of the Government, but to bankers' clerks and other persons in private employments. Persons engaged in the Public Offices already have a liberal allowance of holidays, ranging from one month to two months, and I do not propose to increase such allowance, as it would also increase the expense to the public.

TURKEY—CASE OF MR. JOSEPH WILLIAMS.—QUESTION.

LORD GEORGE HAMILTON asked the Under Secretary of State for Foreign Affairs, If his attention has been directed to the case of Mr. Joseph Williams, who having been imprisoned for some time by the Turkish Government, was sent out of the country without trial, or without having had an opportunity of defending himself against the charge alleged against him, and who in consequence of his imprisonment has sustained heavy pecuniary losses?

VISCOUNT ENFIELD: Sir, Mr. Williams was arrested in March, 1870, at Galata, on a charge of killing a watchman, and sentenced by the local Court to 15 years' imprisonment for manslaughter. The watchman, who survived the attack for a time, stated that, hearing a cry for help, he proceeded towards the defendant, who shot him without provocation. Mr. Williams, on the other hand, declared that the watchman tried to rob him, and that he was ignorant at the time of his official character. The sentence had to be confirmed by the

The Marquess of Hartington

High Court of Justice, which did not try the case until the following February. In the interim, Williams, whose health was suffering, was placed in charge of the British authorities. The sentence was confirmed; but although, from his being a British subject, there were circumstances attending the trial which made it technically invalid, it cannot be said that he was not tried, or that his trial would not have been quite fair in the case of a Turkish subject. Her Majesty's Consul thought it advisable to accept an offer made soon after by the Turkish authorities to release him if he would leave the country at once. The delay in the proceedings was all in his favour, owing to the strong public feeling against him at the time, and his claim for compensation could not properly be raised against the Turkish Government. His affairs were carefully arranged during his confinement by Her Majesty's Consulate, and a balance remitted to him.

SUNDAY OBSERVANCE ACT. QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether his attention has been called to the refusal of the Magistrates at the Hammersmith Police Court to put in force the Sunday Observance Act against tradesmen supplying Kensington Palace with salmon and ice on Sunday last, while for months past small traders and costermongers have been continually punished for similar offences; and, what steps he proposes to take in regard to the refusal of the Magistrates to put in force the Sunday Observance Act? He also wished to ask whether, if it should be discovered that the prosecution of a number of poor people under the same Act has been carried on under some misapprehension, the right hon. Gentleman will not take some steps to restore to them the little earnings of which they had been deprived?

MR. BRUCE: I have received, Sir, from the Hammersmith magistrates an explanation of their conduct. On Monday last Mr. Ingham, on the return of his colleague from his holiday, consulted with him as to the propriety of checking certain prosecutions which had caused much angry feeling in the district without producing any countervailing advan-

tages. They determined to check all such prosecutions unless they were instituted by some public authorities, such as the churchwardens and overseers, or the police. Whether they were right or not in taking that course it is not for me to say, nor is it my duty to compel magistrates to hear cases. In case of a refusal the proper course to be pursued is for the party aggrieved to apply for a *mandamus* to compel them to perform their duty. As, however, my hon. Friend has, according to his usual practice, interpolated in his Question a reference to the distinction made between the poor and the rich, I am bound to say, on behalf of the magistrates, that from whatever source the application for a summons had come the answer would have been the same. The object of the magistrates was to put an end to what they believed to be a very oppressive and mischievous application of the Act of Charles II., and had an application been made by Mr. Bee Wright or anyone else against poor persons the answer would have been the same as it was in the cases referred to in the Question. I have no reason to believe that any of these convictions were illegal. In the greater number of cases the magistrates, exercising their discretion, have announced that they would grant no costs, and I believe the effect of that announcement has been greatly to discourage these prosecutions. Some of the magistrates considered, however, that they were not empowered to do so, and that the costs ought always to follow a conviction. But whatever the decision arrived at, it was, at all events, a legal one, on a matter within the discretion of the magistrates, and therefore it is impossible for me to interfere with the proceedings.

ARMY—FIELD ARTILLERY.—QUESTION

COLONEL GILPIN asked the Surveyor General of Ordnance, What number of guns and new field batteries, together with waggons, were horsed, harnessed, manned, fully complete and ready for the field on the 1st of July instant?

SIR HENRY STORKS: In reply, Sir, to the Question of my hon. and gallant Friend, I have to state as follows:—The number of guns and new field batteries horsed, harnessed, and manned, on a peace establishment at

home, on the 1st instant is—old batteries, 10 horse artillery, with 60 guns, and 20 field batteries, with 120 guns, fully horsed and manned, and ready for the field, after being made up to a home war establishment from the depôts, which could be done at a moment's notice; new batteries, 6 horse artillery, with 36 guns; and 20 field batteries, with 120 guns. These batteries are all complete in their establishment of non-commissioned officers and men. Six are fully horsed, five nearly so, and the remainder are being completed as rapidly as horses can be purchased. As regards *matériel*, the guns, carriages, ammunition, stores, and harness have all been issued to the augmented batteries. So far, therefore, as *matériel* is concerned, the following is the result:—Old batteries — 10 horse artillery, 60 guns; 12 field batteries, 120 guns; new batteries, 6 horse artillery, 36 guns; 20 field batteries, 120 guns; 5 depôt smooth-bore, 30 guns; making a total of 366. I have to add that rifled guns, to replace the 30 smooth-bore guns in the depôts, are ready to be issued at a moment's notice.

EBBING FOREST ENCLOSURES.

QUESTION.

SIR HENRY SELWIN-IBBETSON asked the Secretary of State for the Home Department, Whether his attention has been called to a Report in the public journals of a meeting held last Tuesday at the Shoreditch Town Hall, on the subject of an enclosure of a part of Epping Forest, at which some of the speakers advised the public (at a meeting to be held next Saturday on Wanstead Flats) to take the Law into their own hands, and destroy the enclosure; and, if so, whether he will give instructions for the maintenance of order and the protection of property on that occasion?

MR. BRUCE said, in reply, that the chairman of that meeting had informed him that the meeting was very large and orderly, that the suggestion referred to had been made by a single individual in a jocular spirit, and that what was said was that if the persons who should attend the proposed meeting on Wanstead Flats were to press their shoulders against the fences they might probably give way. That expression of opinion was not approved by the assembly, and

Sir Henry Storks

the chairman warned them against any illegal conduct. Of course, the usual precautions would be taken for the maintenance of order and the protection of property.

BLACKWATER BRIDGE.—QUESTION.

MR. HUNT asked the First Lord of the Treasury, Whether he has come to any conclusion as to the propriety of sanctioning, by means of a Private Bill, an alteration of the terms prescribed by a Public Act of Parliament for the composition of the debt due to the Exchequer upon the security of Blackwater Bridge; and, whether he has ascertained whether there was any foundation for the charge made by him on more than one occasion in 1868 against the conduct of the late Government in respect to the composition of this debt?

MR. GLADSTONE said, in reply, with respect to the latter part of the Question, which was of a personal nature, as far as he could recall the circumstances of 1868 he believed he was entirely in error as to the criticisms which he offered upon the conduct of the late Government on the point to which the right hon. Gentleman had referred. He both regretted that circumstance and likewise that from accident he was never aware that explanations had been offered by the right hon. Gentleman which would have enabled him to say at an earlier period what was entirely due to the right hon. Gentleman. With respect to the former part of the Question, he agreed with the right hon. Gentleman that it would not be expedient that the House should assent to the insertion in a Private Bill relating to Blackwater Bridge of an alteration of the terms prescribed by a Public Act for the composition of a debt. Whether those terms were quite correct or not he would not trouble the House at that moment to say; but he agreed with the right hon. Gentleman that the two subjects should be kept separate.

TICHBORNE v. LUSHINGTON.

QUESTION.

MR. A. SEYMOUR asked the Secretary of State for the Home Department, When it is his intention to introduce the Bill which he had promised to enable the Courts of Law to sit during the Long Vacation, and when the Second Reading

is likely to be taken? He also wished to ask, whether the right hon. Gentleman will be prepared to relieve the Lord Chief Justice of the Common Pleas from attendance at the approaching Central Criminal Sessions at the Old Bailey?

MR. BRUCE, in reply, said, he had already announced that the Bill would be introduced by the Lord Chancellor in "another place." It was now in the hands of the draftsman, and, he hoped, would soon be ready. He should be quite prepared, should the Lord Chief Justice of the Common Pleas apply to be relieved from attendance at the Central Criminal Court, to consent to the application. There would be no difficulty whatever in finding a substitute.

DIPLOMATIC CHANGES.

OBSERVATIONS.

MR. GLADSTONE said, he wished to take the opportunity of answering a Question put by the hon. Member for Waterford (Mr. Osborne) two or three days ago. A paragraph had appeared in the newspapers containing statements about Lord Bloomfield being about to retire from the Embassy at Vienna, and certain other diplomatic arrangements, and his hon. Friend asked if they were correct. The paragraph in question was premature; but, at the same time, it was probable that within some moderate period Lord Bloomfield would retire from the Embassy at Vienna. He was very anxious that there should be no misunderstanding on the subject of that retirement. It would be a voluntary resignation on the part of Lord Bloomfield, who would retire with a mark of Her Majesty's favour which would entirely obviate any misconception as to the high place which Lord Bloomfield held in the estimation of the Government.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (*re-committed*) BILL.—[BILL 103.]

(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*)

COMMITTEE. [*Progress 4th July.*]

Bill considered in Committee.

(In the Committee.)

MR. NEWDEGATE, having referred to the circumstance that his speech on Tuesday last had been interrupted by the adjournment of the debate at 7 o'clock, said, that it was necessary that

he should put himself in order by renewing the Motion of the hon. Member for Yorkshire (Mr. J. Fielden), "That the Chairman do now leave the Chair;" the hon. Member also explained that he was in error in stating that his conversation with Lord Palmerston occurred before, not after, the speech from which he had quoted. The hon. Member then resumed his address:—Before proceeding further, I wish to advert to an allegation that has proceeded from the First Lord of the Treasury, to the effect that we, who desire to discuss the principle of this great measure, and take such an opportunity, as that in which I am now addressing you, have pursued a most unusual course with the view of protracting these debates. Now, Sir, I think I can have no better precedent for the course we have pursued than the conduct of the right hon. Gentleman himself when he was in Opposition. I own that I was rather surprised when I heard the right hon. Gentleman say that we ought to be content with three or four nights' debate on the principle of this measure, and speak of the Opposition as having during this Session pursued an unprecedented course, because we have sought opportunities of debate upon a measure which would change the constitution of the Army, and now upon a measure which is calculated quite as much to affect the constitution of this House. Sir, I have been in this House many years with the right hon. Gentleman the First Lord of the Treasury, and he has several times alluded to the discussions that occurred upon the Ecclesiastical Titles Act in 1851. It was no new subject. The relations between the Government of this country and the Papacy had been discussed in 1848 on the Diplomatic Relations Bill, and again in 1849 and 1850, so that the subject was not then new; but let me call the attention of the right hon. Gentleman and of the Committee to the details of the discussions on that Bill. Beginning on the 7th of February, 1851, on leave to introduce the Bill there were four nights' discussion. On the second reading of the Bill, which was proposed on the 7th of March, there were eight nights' discussion. On the Motion for going into Committee there were four nights' discussion. In Committee there were eight nights' discussion. On the Report there was one night's discussion: and

[*Committee.*]

on the third reading there was one night's discussion, making twenty-six nights' discussion in the whole. The right hon. Gentleman was then acting with what he has called a small minority, never exceeding, I think, 90 Members at the most. Well, then, I hope the right hon. Gentleman will judge us more charitably when, having lost the opportunity of discussing this measure on the second reading, the Opposition avail themselves of the legitimate opportunity afforded by the Preamble of the Bill for claiming the right to inform the younger Members of the House of the substance of the discussions which have taken place on the subject long before they were in the House to hear them. This question of the Ballot has been discussed over and over again on the Motion of the late Mr. Berkeley; but those discussions were never full until 1864, because no one expected that Mr. Berkeley would ever be able to bring in a measure, and pass it into law, founded upon the principle of secret voting. The case is now totally changed. Under the pressure of the hon. Members below the gangway—["No, no!"]—the Government have taken up this question, and it has been announced to the House that it is the legitimate sequel of the extension of the franchise, carried in the Reform Act introduced by the right hon. Gentleman the Member for Buckinghamshire, then Chancellor of the Exchequer, and under the operation of which the present Parliament has been returned. I have lately been informed that the advocates of the Ballot are already so tired of this discussion—some of them having probably keenly felt the point and force of the able speech made on Tuesday by the noble Lord the Member for Tyrone (Lord Claud Hamilton), that they have come to a resolution among themselves, which may be briefly stated in these words—"the least said the soonest mended." I should, perhaps, if in their position, agree with those hon. Members; but is it not singular that the representatives of popular constituencies, who declare that this measure is essential to the free action of those constituents, should come down to this House, and, after three short nights' of discussion, beg not to be further questioned on the subject? Is it not singular that we are about to have a repetition of the tactics of the majority, when they were first returned

Mr. Newdegate

to this House at the commencement of the present Parliament, and when, as was stated by the hon. Member for Berwick, their conduct was so strange, their reticence so great, and their silence so little, that it was commented upon in "another place," and commented upon throughout the whole of the country? Their conduct on the Land Bill for Ireland, during the next Session, was equally remarkable. It seemed that those who aimed at being the representatives of democracy came here not to represent the intelligence but the will of their constituents, however ill-informed; and that instead of treating this House as a legitimate arena for debate, as a deliberative assembly, they have entered into a conspiracy to treat it as a legislative machine, a ballot-box on a large scale, into one end of which we are to put the materials of their votes, expecting some legislation to emanate from the other end adapted to their purpose, however unfitted it might be to undergo the ordeal of fair discussion. I trust, and believe, that hon. Members will reconsider their position, for I would beg to inform hon. Members that I am in the habit of communicating with men of all ranks and all descriptions. They must not suppose that I am ignorant of the feelings of the working classes; and the conduct of the Government on the occasion of the Irish Church Bill and the Irish Land Bill, its reticence and fear of discussion on the principles of these measures, produced a very strong effect on the minds of the intelligent working classes. I hold in my hand a pamphlet written by a most intelligent artisan in 1869, and widely circulated, and it ought to satisfy some of the cravings of hon. Members opposite. It is entitled—*The Democracy of Reason; or, the Organization of the Press*, and on the cover there appears the motto—"Wise men learn from reason, men of less understanding from experience, fools learn from necessity, and brutes by instinct." This pamphlet is written with an ability worthy of the most accomplished scholar. The writer deprecates that this country should be governed by mere popular impulse and the will of ignorance, instead of what he properly terms the democracy of reason. The author proposes that the writings which appear in the newspapers should be collected by a commit-

tee of the writers themselves, digested, and furnished to the House as materials for legislation. It was thought that by such an organization of their own, instinct as it would be with life and thought, they would be capable by thus communicating among themselves under certain conditions to promote useful legislation. But I consider it somewhat significant that yesterday the leading organ undertook to silence this House and to make it a dumb assembly. It seems as if the Press had taken a hint from *The Democracy of Reason*, and felt that we were invading a monopoly of their own by venturing to insist upon our right to debate this question. If the House of Commons is to be a mere delegate of the popular will and impulse; if the Press finds it inconvenient and inconsistent with its arrangements to discuss these great subjects, the writer of this pamphlet asks why do not the House of Lords appoint a Committee to receive written and printed contributions upon great subjects, so that there may be something of philosophical discussion and close reasoning applied to the legislation to which we are hereafter to be subjected? But the writer of the pamphlet to which I have alluded has been in communication with myself, and he expresses the opinion, which I believe to be well founded, that among the intelligent working men, as well as among the middle classes, if the House of Lords choose thus to gather from the country the opinions, which one section of this House refuses either to express or to discuss, they will find themselves so strengthened, that they need fear nothing in correcting the crude legislation to which the House of Commons is impelled by a dumb majority. I cannot believe that the Prime Minister has forgotten his own antecedents in opposition, or that he would condemn others for endeavouring to rise as he has risen and to occupy his position, when it should become vacant. I can scarcely believe that he would lend himself to a contrivance for converting the House of Commons from a deliberative assembly into a mere legislative machine. But I will now revert to the speech of the late Lord Palmerston, though I will not read the passage again. Lord Palmerston spoke of the Ballot and of secrecy in voting as a mistake everywhere, as a perversion of representative government, even where there

was universal manhood suffrage, and as totally inconsistent with the whole frame of the Constitution of this country. I believe, Sir, that it is so; because, what has the right hon. Gentleman the Prime Minister himself said? I am about to quote his words, and will not forget the qualification which he afterwards attempted of their purport. I am about to show this—that, whether the right hon. Gentleman thinks that it will fall to his lot, and to that of the present Government or not, if you adopt this measure of secrecy in voting, you cannot stop short of manhood suffrage at least; and we have already had indications that womanhood too will claim the franchise, and I hesitate to say they ought not to have it if this system of secrecy is to come into operation. In the debate on the second reading of the Bill for establishing the Ballot, which took place in this House on the 27th of July last, the right hon. Gentleman used these expressions—

“When we have adopted household suffrage we have, I think, practically adopted the principle that every man who is not disabled in point of age, of crime, of poverty, or through some other positive disqualification, is politically competent to exercise the suffrage; and it is a simple question of time and convenience when this suffrage shall be placed in his hands. To draw a distinction between household suffrage and lodger suffrage, provided the lodger be a person who has a certain permanence in his residential tenure, would be, in my opinion, wholly impossible; to draw a distinction between boroughs and counties is, I think, equally impracticable. I do not enter into the question now, though it is a very important question, whether, over and above the personal franchise, property franchises should be retained.”—[3 *Hansard*, cciii. 1030.]

Last year, therefore, the right hon. Gentleman was convinced that if the Ballot—this system of secret voting which he now proposes—were adopted, the establishment of manhood suffrage, at least, is only a question of time; and in his reply to the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), the only qualification which the honesty of the right hon. Gentleman could allow him to make was, that he did not contemplate such a change as likely to be made by the Government of which he was the head. But we have the authority of Lord Palmerston, that secret voting so changes the very nature of the franchise from being, as it ever has been in this country, a “trust,” or if you like a “privilege,” with public

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duty and public responsibility attached to it, that it becomes a "property." Take what definition you please, once enact that the voter shall vote in such a manner as to ensure secrecy, and the vote becomes his property; and, as Lord Palmerston said, you have no justification in enacting laws against a man selling his property; for the voter would under the new system exercise his vote, not according to public principle, or public interest, but according to his own private convenience, as property which he had a right to dispose of as he liked. I have heard it argued in this House—indeed, it was so argued in the last discussion by the hon. Member for Berwick (Mr. Stapleton)—that the personal wish and the immediate private desire of the voter at the time of voting would, in the aggregate, afford the best security for the public interests—a rash hypothesis. But I will not stop here. The late Mr. Cobden is a high authority with Gentlemen opposite; and what said Mr. Cobden on this subject? In the year 1852 he said—

"On the occasion of the introduction of the late Reform Bill, a considerable amount of discussion arose in the manufacturing districts. It was proposed to create a franchise of £5. Now, they all knew that in the manufacturing towns of Lancashire and Yorkshire that would extend the franchise threefold, and would give a vote to a very large proportion of the operatives employed in the mills and in other establishments in those counties. Well, this naturally caused, as he had said, considerable discussion amongst that class of persons. But what was the result? A crowded public meeting was held in Stockport, and those who were present passed an unanimous vote, that if they could not have the protection of the Ballot, they would not have the franchise. They did so on this principle . . . what he had just been saying of landlords might probably be suspected to be true with regard to a good many millowners. Well, but he stood there—he had said this in the face of a large body of millowners in Manchester—he stood there to protect people who had votes against influence of all kinds—against all undue and coercive influence, whether it was that of landowners, that of millowners, that of customers, that of priests, or that of mobs; in all cases he was for protecting the voter. These operatives were right in saying, as they did, that if they only gave them the vote, parties might go to Bolton or to Stockport, find out the tall chimneys, and allot the votes to the owners, as was done by the Earl of Derby in the case of land."—[3 *Hansard*, cxx. 428.]

Therefore, Mr. Cobden also affirms the principle that the mill operatives were right in refusing the franchise, if they could not with it have the Ballot. The right hon. Gentleman the Vice Presi-

dent of the Council followed in the same strain. That right hon. Gentleman is a pupil of the late Mr. Cobden; and what did he say? He said this—that he prepared the measure now under discussion, because it would correct and prevent all undue influence. Well, it has not been found to do so in the United States. It has not been found to do so when adopted in France. Why, who can forget, particularly in the case of Savoy and Nice, that the *plébiscites*, which were conducted under the Ballot, became a by-word, and that the Ballot was known to be the mere means of procuring the expression of the will of the Imperial Government. Notwithstanding this, however, the Vice President of the Council says that he proposes this Bill in order to prevent the use of illegitimate influences, particularly upon the operatives in the manufacturing districts; and then he went on to say, this measure will not interfere with the exercise of wholesome influences, with the weight derived from character, the power of persuasion, and the promptings of educated intelligence. I want to know why not? If this is effectual against one form of influence, why should it not be as effectual against another? I say, upon the authority of operatives who have emigrated from my district, have lived in the United States, and after years have returned to tell me, what the Minister, who is the author of that very necessary measure of education which we passed last year, ought to know, that the institutions of the United States are not suited to the people of this country owing to their deficient education. The right hon. Gentleman has admitted as much, and acted upon the conviction; and yet, because it is at the end of the Session, and because the Government seem to be in want of a great measure to enable them to continue, uninterruptedly, their revolutionary course, this very Minister who has proclaimed the deficiency of education among the operative classes, has brought forward a measure which I will show you must, according to the right hon. Member for Birmingham (Mr. Bright), inevitably lead to universal suffrage, and to placing in the hands of a still larger proportion of the uneducated classes the power of dealing—the necessity of dealing—with the great interests of this country, which the right hon. Gentleman himself declares they do not understand.

Mr. Newdegate

I do not like to refer to an absent Member, my right hon. Colleague in the representation of Birmingham, without giving his words. And this is his opinion. . He was speaking on the 19th of July, 1867, in Birmingham, and he said—

“But when it (the Reform Act, 1867) is passed, when your householders of Birmingham are enfranchised, when the householders in all the boroughs in the kingdom have votes, when the £12 occupiers in the county enjoy the franchise, what then? Everybody must see at once that the whole question of good to the country is still a future question; that the Bill itself is but a weapon, but an instrument, but a means by which, if there be anything good in legislation to be had, you may obtain it if you use your new powers with wisdom and fidelity.”

Then he tells how the franchise should be used, and says that the only value of household suffrage is to carry the Ballot, and the Prime Minister admits that, if you adopt the Ballot and secret voting you cannot stop short of manhood suffrage. For my part, I believe that you will not stop at manhood suffrage. I believe that the ladies will claim to share, and if it is merely a personal right, I do not see how you can resist their claim. I think that, possibly, minors too will have reason to complain; and I know not where you are to assign the limit. But, at any rate, you have this limit now—you have the limit that, throughout the boroughs, every elder, every head of a family, is invested with a public duty, as he was in years long gone by, with the right to express the conclusions of his own intelligence and will, and not his own alone, but the collective opinion of his district, for he is unlikely to dissent from it. And in the counties, how do we stand? There you have not household suffrage, but the £12 occupation qualification, and freehold qualification. Do you mean to allow the voters in counties to vote in secret; to vote as if they were not representing a trust? Do you mean to treat as serfs all those who are not freeholders, or who do not live in £12 houses? I say that the condition of the population not enfranchised, when the voters have a right to conceal under the secrecy of the Ballot their opinions on public matters, is that of slaves. Think you that the majority of the people who live in counties, and who are not enfranchised, would submit to such a state of things as that? No; pass this measure, and the very men who now

resist you will be compelled to drive you on until you approximate but too closely to the institutions of the United States, which cannot thrive here, as they thrive on that vast Continent, with its boundless expanse for human labour, and the result will be that the situation of this country will have a parallel only in that of France. I have the greatest faith in the character of the English people, and in their capacity for self-government; but I say that if you give to the agitator, the Fenian, the Democrat, and the Jesuit, such a hold as this Bill will give them, if they can go to the counties and say—“Parliament has decreed that the electors shall hide their votes, and you are condemned to the condition of serfs,” it will raise a clatter, of which you will not hear the last for many a year. I am confident that many hon. Members who have heard the Ballot discussed as though it were merely a fit subject for a debating club, have never understood the full meaning of Lord Palmerston's dictum that secret voting is inconsistent with and adverse to the whole principle of our free institutions in this country, and if adopted must tend to subvert the whole. I see the hon. Member for Meath (Mr. John Martin) sitting on the benches opposite. The hon. Gentleman is a man of advanced opinions. I believe that the hon. Member wishes that Ireland should govern herself throughout, in Parliament, in the counties, in the boroughs; and I ask him if he is afraid to trust his fellow-countrymen with an open vote? Must they hide their opinions before he will intrust them with power? What did freedom ever gain from secrecy? Has it not created tyranny in the United States? I have been there. I was there when a young man. I was admitted into all kinds of society, and I learned more in the four months I was there than in the rest of my life in reference to this subject. I went there to learn, and I did learn; and I should like to read to the House at length the details of the corruption which I witnessed there. My hon. Friend the Member for Liverpool (Mr. Graves) has given the substance of Mr. Lawrence's Report to the Congress on the New York election in 1869; but I will trouble the Committee with reading this passage, which I find at page 5, chapter 1—

“Many hundreds of persons voted in New York City from 2 to 40 times or more, each under as-

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sumed or fictitious names, fraudulently registered for the purpose."

And it is impossible to detect them. I remember myself once travelling on a railway with 50 or 60 Irish platelayers, who boasted to me that they were living the jolliest of lives, and I saw they were living well. They told me they had voted in every State they had passed through two or three times; and this Report to Congress confirms the truth of their statement. I went to see them vote; but I did not vote myself—and I suppose they thought me rather slow because I did not. Again, this Report says—

"Extensive frauds were committed in canvassing tickets, and names of voters were entered on the poll lists, and democratic tickets counted as if voters representing them voted, when no such persons voted at all."

There is no doubt that "extensive frauds are committed in canvassing tickets"—that is, in stuffing the Ballot-box, which is habitual in some of the States, particularly in New York. These frauds are concealed by the Ballot; and at this moment the Congress of the United States is endeavouring to devise the means of preventing them. This is after 30 years' experience of the Ballot! Well, it may be supposed that there is some corrective power in the United States; that the Government there is not so corrupt as to be without some such power. I will tell the Committee what is the corrective power; and I ask you whether you would like to entail upon this country the necessity for resorting to that species of correction, because its influence upon the institutions of the United States is only skin deep. That corrective is found in Vigilance Committees and Lynch Law. I myself have seen a little of it. True, it was only in a trifling degree. Nevertheless, I saw enough to let me know what it meant. I went out to the United States and Canada with letters from my kind old friend Sir Francis Head. The hon. Member then read a letter from Sir Francis Head, published in *The Morning Post* and other London newspapers in January, 1859, narrating the dreadful death of a negro under Lynch Law—and the extraordinary charge of the Judge to the Grand Jury. The circumstances were briefly that—Some years ago, a black man named M'Intosh, residing in the county of St. Louis, in the United States, not only killed Deputy

Mr. Newdegate

Sheriff Hammond, who was in the act of arresting him, but also wounded Deputy Constable Mull. The American people in the vicinity, incensed at the conduct of the black man, chained him to a tree, and then surrounding him with dry wood, deliberately burnt him alive. The address of the American Judge to the Grand Jury, whose duty it was to investigate the act, was so admired for the sound democratic doctrines which it promulgated, that, at the request of the Grand Jury, the Judge caused it to be printed. In this address, Judge Lawless charges the Grand Jury of the county of St. Louis, that although this Vigilance Committee, this self-constituted authority, had seized this man and deliberately burnt him to death without trial—this Judge, I say, of the United States declares that, because these lynchers represented what he believed to be the mass of the people, they were above and beyond all law, and had the right to adopt this corrective process; lest he himself should have fallen short of his duty by condemning these men for murder. That is the real power which enables the Government of the United States to exist. I can cite instances in which these Vigilance Committees, excited by religious feelings, have burnt as many as 30 families in their shanties. I could produce instance after instance of the exercise of this power. This is the despotism of democracy, not that true freedom which is influenced by a sense of responsibility. It was but the other day that I told a large body of my constituents that they would find me always ready to stand stiffly and sternly for English freedom, and I say that freedom can only be secured from the despotism of democracy where the elections represent the opinion, not of an indefinite mass of men, without the means of intercommunication, without sufficient understanding of each other's thoughts, but the public opinion of the inhabitants of localities, formed by consultation among neighbours. Let every Member of the House bear in mind that we, each of us, represent an opinion which is public in the respective districts which form our constituencies—an opinion corrected by a sense of the responsibility enforced upon every man by the supervision of those from whose observation he cannot escape who live in his own immediate neighbourhood. That

is true freedom. That is the Government of public opinion; and I say that a Government founded upon universal suffrage and the Ballot is but the representation of the bias of each individual at the moment that the vote is given, uncorrected by any sense of personal responsibility or the influence of public opinion. Universal manhood suffrage and the Ballot have produced in America a state of things which has for years rendered necessary not the permission, but the recognized existence, the habit of resorting to Vigilance Committees and Lynch Law in order to preserve the very existence of the State. If such consequences were inevitable, I agree with the right hon. Gentleman the Prime Minister in condemning—for he has condemned—the measure for household suffrage upon which this House is returned supposing that he is right in asserting that this extension of the suffrage has rendered the resort to secrecy of voting inevitable, which I deny; but I admit that secrecy of voting does seem logically to entail manhood suffrage. I do not say that must necessarily follow at the next election; but I am convinced that the experiment of elections with a restricted constituency and the Ballot will fail, and then the right hon. Gentleman will be avenged on the right hon. Gentleman the Member for Buckinghamshire for having ventured to extend the suffrage to householders, because if he were to succeed him in office after the measure, now being considered, is passed, the right hon. Gentleman would have no choice but to adopt manhood suffrage, as the consequence of the secrecy of voting by Ballot, and thus encounter and entail upon the country the evils of democracy. I would, but that I feel I should be trespassing upon the time of the House, appeal to the latest writings of Alexis de Tocqueville and to those of Lord Brougham. Both of them contemplated the changes which have taken place in our electoral system as dangerous upon one ground only—that they might lead to the establishment, as M. de Tocqueville said, of the most irremediable of all forms of Government, that democracy which always forbades, if it does not constitute a despotism. And, Sir, on the authority of the right hon. Gentleman the Prime Minister, supported by the frequently expressed opinion of the right hon. Gentleman the Member for

Birmingham, I assert that the silence of that right hon. Gentleman confirms the declaration of the Member for Birmingham—that the certain consequence and the direct inference from this Bill must be so palpable to the Legislature, if it gives consideration to the principle and its consequences, that there is but one hope of its being passed, and that is of its passing without debate.

Motion made, and Question proposed, “That the Chairman do now leave the Chair.”—(*Mr. Newdegate.*)

MR. G. BENTINCK said, he was glad that the hon. Member who had preceded him had vindicated the rights of the House of Commons. The House had been told the other night that there was no understanding anywhere as to when the debate should close, and they were bound to accept that assertion; but he confessed he had never greater difficulty in accepting any assertion. Having already had an opportunity of addressing the House on the subject of the Ballot, he would confine his observations for the present to answering certain remarks made in the course of this debate. The right hon. Gentleman the Member for Buckinghamshire, in his speech the other night, made an attack upon those Members who presumed to criticize the conduct of the two front Benches. The right hon. Gentleman stated that the persons to whom his remarks applied were very few in number. Now, as one of those Members who had ventured to advance to that pitch of presumption, he (Mr. Bentinck) might fairly consider himself included in that category. Those remarks of the right hon. Gentleman were somewhat curt, and not very over-strained by courtesy. He (Mr. Bentinck), in his reply, would endeavour to be as curt, and not less courteous. His reasons for venturing on more than one occasion to criticize the conduct of the two front Benches was because he was strongly opposed to political tergiversation and political apostacy. The right hon. Gentleman the Member for Buckinghamshire seemed hardly to be conscious of the position in which he was placed—he did not seem to understand that a long career of political tergiversation had placed him in a position which subjected him—[“Order!”] He was answering the remarks of the right hon. Gentle-

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man. ["Question!"] He considered that he was perfectly justified in so doing. He wished to defend the rights of those to whom the remarks of the right hon. Gentleman referred.

COLONEL BERESFORD: I rise to Order. I wish to ask you, Sir, if that is the Question before the House?

MR. G. BENTINCK said, he was sorry for those interruptions, because he might be obliged, in consequence, to dwell longer upon the subject than he otherwise should have done. When the right hon. Gentleman the Member for Buckinghamshire attacked those who found fault with the conduct of the two front Benches he seemed to place himself in a position above all criticism or reproof in respect to his public conduct. The right hon. Gentleman told the House many years ago, in speaking of the Government of the day, that it was an "organized hypocrisy." But if the late and the present Government were to be properly described with reference to their proceedings, it occurred to him that it should be by the term "disorganized hypocrisy."

THE CHAIRMAN said, he was sorry to be obliged to interrupt the hon. Gentleman. He understood the hon. Member to say that he was answering the observations that were made in the debate upon this question. But up to this time it did not appear to him (the Chairman) that he had been answering those observations.

MR. G. BENTINCK said, he would abide by the decision of the Chairman; but, unless he ruled to the contrary, he (Mr. Bentinck) must maintain that he was in Order in answering the remarks of the right hon. Member for Buckinghamshire, which he held to be offensive to himself and others. ["Question!"] That was the Question. He was answering the attacks which had been made upon those who had presumed to criticize the conduct of the occupants of the front benches, and endeavouring to explain the grounds upon which they had dared to do so. He had another ground of objection to the proceedings for many years past of the occupants of the two front benches. He held it to be the first duty of a Member of that House to attend to the interests of his country; but next to that his duty was to uphold the interests of those who sent him there. The strong objection which he (Mr.

Bentinck) entertained to the whole career of the front Bench on each side of the House was this—

THE CHAIRMAN: The Bill before the Committee was a Bill for Parliamentary and Municipal Elections. Upon the Order of the Day on that Bill an hon. Gentleman moved "That the Chairman do leave the Chair." Now, the Motion was undoubtedly consistent with the Rules and Privileges of the House, although it was somewhat unusual. Of course, it was open to the hon. Member, in speaking upon that Question, to refer to what had fallen from any other hon. or right hon. Gentleman during the preceding debates upon the question. He (the Chairman) was always unwilling to interfere with the right of discussion; but he must say when an hon. Member proceeded to discuss the conduct of different Governments during a long series of years, it appeared to him that it was not quite relevant to the Motion now before the House. He (the Chairman) felt he would not be fulfilling his duty if he did not call the hon. Member to order.

MR. G. BENTINCK asked whether he was to understand from the Chairman that it was not competent for an hon. Member of that House in Committee to reply to the remarks made by another Member of that same Committee?

THE CHAIRMAN: On the contrary; the hon. Member must have entirely misunderstood what I said, because I declared that it was competent for an hon. Member to reply to observations made in the course of the debate; but the hon. Member must confine himself to those observations and to the Question before the Committee.

MR. G. BENTINCK said, he would bow to the decision of the Chair, and would proceed to refer to some observations which had fallen from the right hon. Gentleman at the head of the Government at an earlier stage of the present Bill. The right hon. Gentleman complained of the time that had been wasted in the discussions, and uttered a long didactic oration on the bad habit of imputing motives; but the right hon. Gentleman himself had fallen into that bad habit in imputing motives to the noble Lord the Member for Tyrone (Lord Claud Hamilton) and to others, whom he accused of making long speeches for the sole purpose of delaying the pro-

Mr. G. Bentinck

gress of the Bill. Now, he (Mr. Bentinck) asked the right hon. Gentleman upon what grounds did he prefer that charge? All he (Mr. Bentinck) would say in reference to that observation was that during the many years he had had the honour of a seat in that House, if any one Member more than another had delayed the business of the House by the number and length of his speeches, it was the right hon. Gentleman himself. The right hon. Gentleman had also made a strong attack upon the noble Lord the Member for Tyrone for having committed an unchivalrous act in naming a gentleman not in the House, without giving notice to a relative of that gentleman of what he intended to do. But that was a complete misconception on the part of the right hon. Gentleman. What the noble Lord did was to call in question the conduct of an hon. Member of the House—the hon. Member for Huddersfield (Mr. Leatham), who was then in his place, and fully prepared to defend himself. The charge against the noble Lord of being wanting in chivalry or in courtesy therefore fell at once to the ground. Having said this much, he was so sure that the hon. Member for Huddersfield was anxious to exculpate himself, and that the House were anxious to hear the exculpation, that he would no longer intervene between him and the House.

MR. COLLINS said, there was a great misapprehension, especially outside the House, that in order to obstruct the progress of this Bill an attempt had been made to talk against time. It was highly desirable that this misapprehension should be removed. He would, therefore, briefly recount the facts of the case. By a wise arrangement, made for the general convenience of the House, there was no debate on the second reading, because it would have been a most unwise proceeding to have commenced the debate just before Easter, and have been compelled to continue it after the holidays had intervened. That arrangement was made with the general consent of both sides of the House, and the debate was taken on the Motion that the Speaker do leave the Chair, when it only lasted three nights, which was by no means a long period considering the magnitude of the subject. And even now, with the present debate in Committee, the question would only have received four and a

half nights' discussion, which could not be regarded as excessive, especially considering the interminable debates which had taken place on the question of Purchase and Army organization. He believed that this measure would vastly increase the power of the purse, and extend bribery, for nine out of ten electors who were bribed would vote for the person who gave them the money, as the least return they could make for the gift; and as the House of Commons was the great avenue to social distinction, men would always be found who would be ready to buy seats in it. No doubt the Bill might have a wholesome effect in regard to intimidation; but he believed it would tend to increase rather than to check bribery.

COLONEL BERESFORD looked upon the Bill as an exceptional measure and a leap in the dark, and would therefore prefer to see it passed as a merely temporary measure until they could see how it worked. After another General Election Parliament would have had an opportunity of gauging the effect of such a Bill, and on that ground its duration should be limited. He did not see why hundreds of thousands of honest citizens should be compelled to vote secretly, because hundreds of other citizens were corrupt; but he admitted that those who had not the courage to vote openly should be protected, and therefore he would like to see the two systems—the Ballot and open voting—in concurrent operation. No doubt the Bill before them provided an excellent mode of carrying out a system of secret voting; but he would prefer the better and more honourable way of accomplishing the same end by means of voting papers, as proposed by the right hon. Member for Buckinghamshire.

MR. SCOURFIELD said, he did not think the Bill was a good one, and saw no necessity for the House to be precipitate in dealing with it. He believed its main object was to keep a party together, and he himself was not afraid of the consequences of any party falling to pieces. The question, at all events, was not an urgent one, and hon. Gentlemen were quite justified in expressing their opinions upon it. One of the clauses of the Bill contained a proposition so monstrous as to justify every opposition that could be given. By the 31st clause, if a returning officer, presiding officer, clerk,

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agent, or candidate offered an opinion or afforded any information to any other person as to the vote which he knew, believed, or suspected any person to give he would be guilty of a misdemeanour and liable to imprisonment with or without hard labour for a term not exceeding two years. He never before heard of an Act of Parliament imposing a punishment for the offering of an opinion. The days of the Inquisition would be revived with ten-fold force if a man were to be imprisoned for two years with hard labour for offering an opinion as to a person whom he suspected to have done something. Very much had been made of the authority of Mr. Grote on the question of the Ballot. But what did Mr. Justice Maule say? He said he thought the Ballot might have done some good, and therefore he had voted for it; but he owned he was very much shaken in his opinion by Mr. Grote's perfect demonstration in its favour. In the "Memoirs" of Mr. Nassau Senior a conversation with M. Beaumont was given, in which that gentleman said—

"We are not good balancers of inconveniences. *Nous sommes trop logiques.* As soon as we see the faults of an institution *nous la brisons.* Unless we greatly improve, we shall never have any permanent institution; for as we destroy every institution as soon as we discover its faults, and no one is free from them, nothing can last."

One point which had been very much debated in regard to this Bill was as to whether the franchise was a trust or not. One of the highest authorities among the Liberal party—an eminent Chancery barrister, who had filled the highest position in his profession—he referred to Lord Westbury, late Lord Chancellor—speaking on the introduction of a penal measure for the disfranchisement of voters in Canterbury, and, therefore, speaking almost judicially, said, on the 20th of March, 1854—

"It was a measure which enabled the Legislature to deal with a species of property which must always be distinguished from private property, over which a man was held to possess absolute control—namely, a great political and public trust. . . . Members would do well to remember the distinction which existed between the use which might be made of private property, for which the possessor could not be held accountable, and the use which might be made of a public trust, for the proper exercise of which the holder was morally responsible."—[3 *Hansard*, cxxxi. 1045.]

That was Lord Westbury's opinion. With regard to intimidation, everyone admitted that it was declining. Wales

Mr. Scourfield

had been referred to by a gentleman who said he had acted as treasurer of a fund raised to compensate persons who had suffered injury in consequence of having voted in a particular way. But the injury done could not have been very great, for the amount of the fund was only £4,000. He was not sure that the elected did not require some protection from intimidation as well as the electors; and if they wanted to do away with intimidation to the latter, they must do away with personal attendance at the poll. He would conclude with an extract from a speech delivered by a late Member of the Government, and a staunch Liberal, Mr. Moncreiff, who said—

"They would never advance the interests of a nation by calling upon men to exercise the most important function with which a citizen of a civilized State could be charged, in impenetrable darkness; and they might be assured that they could never turn a knave into an honest man by making it impossible to distinguish an honest man from a knave."—[3 *Hansard*, cxxviii. 215.]

Mr. CHARLEY said, they had had an illustration that evening of the evil of Americanizing our institutions. In consequence of the caucus which had been held that day, they saw the Liberal party abandon its functions, and Members belonging to the Opposition speaking against the measure from both sides of the House! The fact that the question had been on several occasions before the House was no reason why it should not be fully discussed now that it had become a Government measure, and was in danger of passing into law. If the Ballot would prove advantageous to anyone, it would be so to himself, as the constituency which he had the honour to represent was just such a constituency as the hon. and learned Member for Taunton (Mr. James) had referred to—the employers of labour were chiefly Liberals, while the working men were largely Conservatives. He had not received any intimation from his constituents as to what their opinions were on this subject. They knew that he was opposed, on principle, to the Ballot, as they knew that he was opposed to the Permissive Bill: but while he received no letters regarding the Ballot, numerous communications crowded on him with respect to the Permissive Bill—some entreating him to vote for the measure, others threatening that if he did not vote for it he would lose his seat. There was a strong feeling in the country in

favour of abating intemperance by any measure, however Utopian and unworkable; but there was no feeling in the country in favour of abating intimidation by the Ballot. What did that prove? That while intemperance was unhappily increasing, intimidation was happily decreasing. The Prime Minister mentioned three classes of electors, the independent and honest electors; the bad men, including liars; and the honest, but weak and dependent electors. The first class, according to the Prime Minister's own admission, did not need the Ballot; the second, the Prime Minister also admitted, would be enabled by the Ballot to gratify their hatred and spite; the third class could only be protected by passing into the same category as the second. It was alleged that the Liberal employers of labour called up their workmen and asked them how they were going to vote, and that if they did not pledge themselves to vote in favour of the Liberal candidate, or if, having so pledged themselves, they voted in favour of the Conservative candidate, they got their *congé*. The only difference between the present state of things and that under the Ballot would be, that now interrogatories were put to the workmen before, then they would be put after the election. If the landlord or employer of labour asked his tenant or workman how he had voted, and the tenant or workman declined to say, or hesitated, or stated that he had voted for the opposition candidate, what would prevent the landlord or employer dismissing him, if he could do so now? But then he might call Heaven to witness that he voted in favour of the Liberal candidate. The moment, however, he made that statement he ceased to belong to the third class—the class of honest but weak and dependent voters—and became a member of the second class—the class of liars, whom the right hon. Gentleman did not seek to protect. Thus the Ballot would have a demoralizing influence. The Bill would enact that a Member should lose his seat in case personation had taken place—this being the only novel provision with regard to personation. But the chance of personation being discovered would be very slight, and the scheme of the hon. and learned Member for Taunton (Mr. James), if adopted, would not meet the difficulties of the case. When the voter presented him-

self, and the agent had reason to believe that he was not the person he assumed to be, then the agent, according to the plan of the hon. and learned Member for Taunton, would have power to cause his vote to be put into a separate packet, and not into the ballot-box, the agent being liable to a penalty of £20 if his suspicions proved groundless. This scheme would put a premium on rich men. Besides, the agent would have no motive for objecting, as the whole design of the Ballot was to prevent his knowing the political views of the voter: and even if the scheme were equal to dealing with the case, the scheme was not adopted by the Government. They might expect that personation would be rife under the Ballot. When they had universal suffrage it would be time enough to have recourse to the Ballot; in America, and the colonies, wherever they had the Ballot, they also had universal suffrage. Uncertainty and suspicion would, however, always attach to the Ballot, as was shown in France, where 8,000,000 votes were recorded for an Emperor, who was almost the next day hurled from power; and in Rome, where 50,000 votes were recorded for Victor Emmanuel, and hardly any for Pio Nono, yet the Catholic world had never ceased to challenge the result. It was often said that the Ballot was un-English, and in this he agreed; he understood the expression to signify that the English people were against what was mean and underhand, being, in the words of the Prime Minister, "a high-spirited race."

Mr. GREENE said, he felt it his duty to protest against the species of tyranny attempted to be enforced against that House. It was well known that there had been a preconcerted plan on the part of the Prime Minister and his supporters that none of the latter should speak. He had also observed a sort of telegraphic signal proceeding from one hon. Member to another, intimating that all the hon. Gentlemen on the Ministerial side should leave the House. That proceeding was disgraceful, and calculated to bring the House into ridicule.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

[Committee.]

MR. GREENE: If the Prime Minister, whom he now saw in his place, had come down to that House with that spirit of conciliation which characterized Lord Palmerston, and asked them to limit their remarks, he, for one, would not have troubled the House with any remarks; but when the right hon. Gentleman attempted with his followers to coerce the House into a division, he would find that he had got the wrong set of men to reckon with. The subject was one to which another evening might well have been spared. Having listened to the debate throughout, he declared that his opinion against the Ballot had not been changed. How would the Ballot reduce expense unless they went to another stage of tyranny, and prohibited canvassing? He did not see how a Gentleman's election who sat on the opposite side who had to pay £14,000 would be returned for a penny less under the Ballot. People would express their opinions, and therefore the way they voted would be known. There were grave questions ahead, which might affect the English nation at large, and therefore they should be cautious what they did. Bribery under the Ballot would still be carried on, and without fear of detection, the briber paying according to the result. The Conservative party were accused by the Liberals of exercising intimidation and coercion; but if that were so, how could it be accounted for that there was a majority of 110 or 120 on the Ministerial side of the House? He wished to know how bribery could be proved if the votes were not to be traced. Generally a nomination was a good ordeal to pass through; and the knowledge that he had to face the hustings made a man careful in his political conduct. He certainly thought before such a Bill as this was passed the constituencies should be consulted upon it. There was no analogy between the system of balloting for members of clubs and the voting for Members of Parliament. The one involved only social considerations of a comparatively limited range; the other involved the highest national interests. At the same time, he confessed that even in club elections he would prefer not secret but open voting. It had been said that tenants were coerced by their landlords; but he altogether denied the charge, and he challenged any hon. Member to prove that a single

case of that kind had occurred in England. It would be far better to keep to open voting than to pass this wretched measure. Only on the previous day a staunch supporter of this measure had, in speaking of the registration of partnerships, remarked that publicity was honesty and secrecy was fraud. Because he agreed in that view, and believed that secret voting would not succeed, he should oppose this Bill.

Mr. J. LOWTHER said, he thought that when his hon. Friend (Mr. Greene) referred to the somewhat anomalous line of action pursued by hon. Members opposite, in absenting themselves from their places at the commencement of the debate, he should have made some allowance for the fact that their political labours commenced at a somewhat earlier hour than usual, and that they probably needed some repose after the labours they had gone through not very far from that House. Ever since this Bill was in print there had been a bulky list of Notices of Amendments which had now assumed the form of a separate Paper distinct from the ordinary Paper. A rumour had gained ground this afternoon, which he could not believe possessed any real foundation, that with respect to a great number of those Amendments, although appearing on the Paper, it was not the intention of those whose names were appended to them to proceed with them. He hoped a speedy contradiction would be given to this rumour, for he believed that the object of one of the customs of the House would be set at nought if such a scheme were carried into effect. He had always been under the impression that Notices of this kind were placed upon the Paper for the convenience of Members, in order to avoid a multiplicity or repetition of Amendments. Therefore it would be for the convenience of the Committee that any intention of removing Amendments should be at once announced, so that in respect of Amendments which commended themselves to other Members an opportunity might be afforded of supplying those places which would be left vacant by withdrawals. Without wishing to carry on this discussion, he must enter his humble but emphatic protest against the statement of the right hon. Gentleman at the head of the Government the other night that the Motion of the hon. Member for the

West Riding (Mr. J. Fielden), that the Chairman do leave the Chair, was most unusual and almost un-Parliamentary. The hon. Member for the West Riding rose simultaneously with the right hon. Gentleman on the night of the debate on going into Committee, but was prevented from moving the adjournment, and he thought they were all indebted to him for enabling the discussion to be continued in Committee. On the same night the hour generally devoted to dinner had hardly expired when a Member of the Cabinet rose, and although there arose with him an hon. Member whom a great portion of the House desired to hear, the right hon. Gentleman insisted on his right to address the House. It was the Vice President of the Council who rose before 10 o'clock. [Mr. W. E. FORSTER said, it was a quarter to 11.] That would not affect his argument, that the right hon. Gentleman at the head of the Government should not complain of the humbler Members of the House seeking to continue the discussion when that portion of the evening had been taken up by Members of his Cabinet. But the putting of the Question that the Preamble be postponed was a proper opportunity for stating objections, and the Motion that the Chairman leave the Chair was a mere variation of that form. The second reading of the Bill without discussion could not be avoided, because the right hon. Gentleman asked the House to take the second reading on the Monday in Passion Week; and it would have been impossible to have concluded any debate raised at that time by the Thursday in the same week, while even if that could have been achieved the House would have been sitting two days longer in Passion Week than was its custom. In fact, the habit of the right hon. Gentleman of constantly addressing arguments to the House which appealed either to the personal hopes or fears of Members was scarcely consistent with the dignity of Parliament, while it recalled to the recollections of hon. Gentlemen at any rate their school days, if not a still earlier period of their existence. As, however, they had waived their right to debate on that occasion, he considered that they were justified in the course they had since pursued. Without entering into the details of the measure, he might state that he dissented from the views expressed on that (the Opposition) side

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of the House with regard to nominations and declarations of the polls. A nomination was a senseless and idle farce, degrading to all who took part in it; and he should welcome any measure which relieved candidates from participation in them. He did not, however, approve of throwing the expenses upon the ratepayers, because that would tempt persons from motives of vanity to offer themselves as candidates. But his object in addressing the Committee now was to protest against the manner in which the whole subject had been treated by the Government, and to point out that any delay or protraction of the debate was the result of the policy of the right hon. Gentleman at the head of the Government.

MR. WARD JACKSON proposed to defer expressing any opinion upon clauses until clauses were under consideration; but he would say, in passing, that he thought it desirable to do away with declarations of the poll, although he was not quite so decided in his view of nominations. He wished to call attention to an important part of the Preamble which had never been discussed—namely, the municipal part of the measure. The alterations affecting the constitution of the corporations were embodied wholesale in the clauses relating to Parliamentary elections; but he was sure the provisions of the Bill never could be carried out in that form, and he would suggest that the Government should divide the Bill into two parts. He had heard no objection on the part of corporations to the election of aldermen and councilmen according to the present law. He cited the case of Hartlepool to show how practically inoperative the Bill would be. Hartlepool was divided into two parts; one was governed under a law dating from the time of Elizabeth, and the other was under Town Improvement Commissioners. Now, this Bill did not provide any rules for the election of the Town Improvement Commissioners. According as the Bill was drawn, Liverpool, Manchester, the ancient City of York, and many other large corporations, would all, in fact, be disfranchised, so far as the mode of electing members of the corporation was concerned. Parliament was not at this moment prepared to legislate on the question of municipal corporations. The Bill would require

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[Committee.]

very great alterations, and he submitted that it should be divided into two parts, one part being made applicable to Parliamentary elections, and the other to municipal corporations. The provision in the 17th clause that any rules made in pursuance of that clause were to be laid before Parliament within three weeks after they were made, if Parliament was sitting, and if it was not sitting, within three weeks after the beginning of the next Session of Parliament, was a fatal objection. He also took exception to the clause which required that a municipal candidate for the office of alderman and councillor should have a proposer and seconder, and that his nomination should be assented to by eight electors. Again, many important towns in this country were regulated by Improvement Commissioners, and he had to ask why were they not brought within the scope of the Bill? As to the Ballot, he was opposed to it, except as a mere experiment; but as the time had arrived when that experiment must be tried, he was not desirous that it should be tried in the first instance as a permanent measure. It would be far easier to make the Act expire after a specific period, if it was found not to work satisfactorily, than to repeal it if passed unconditionally as to time. Looking to the whole circumstances of the case, he recommended that the Bill should be withdrawn for this Session, that it should be split into two parts, and that Government should take into consideration before next Session all the Amendments, nearly 300 in number, which had been proposed. He recommended this course to Ministers, as he did not believe the Bill could be passed this Session, and in order to give the municipalities time to consider its effect on their present constitutions. It would be well for Ministers to adopt the well-known maxim "*Stoop to conquer*," and also to remember *bis dat qui cito dat*.

Mr. BARROW said, he was anxious that his constituents should know what his opinions were in reference to this question of secret voting. As to the abolition of nomination, he thought that it was but scant justice that the candidate should not have the opportunity of openly and publicly stating what his principles were, and that the electors should not be able to question him upon any doubtful point. In his opinion,

Mr. Ward Jackson

both the candidates and the electors had a right to their privileges in that respect. He quite agreed that candidates should not be pledged to details, but what were his principles should be distinctly understood by the electors. The electors also should have the opportunity, on a second appearance, of ascertaining how far the candidate had carried out his principles. The candidates had also a right to know, by public nomination, who his opponents were, and to judge from what took place at the nomination whether he would be justified in incurring the expense of a poll. The only objection raised was that there were frequent disturbances at elections. The remedy for this was in the hands of the candidates themselves; if they forbade the payment of money to induce persons, very often non-electors, to be present at the nomination ostensibly to secure the prestige of a good show of hands, but too often for the express purpose of creating a disturbance, nomination days would cease to be characterized by noise. He would not go into the details of the Bill; but he believed that secrecy as to voting would be a delusion and a snare. He did not think that secrecy could be maintained. Many hon. Gentlemen might be aware of the circumstances under which he sat in that House; and all he would say was that straightforward conduct was the right course to pursue. Though in the first instance he was only elected by a small majority, yet because people came to know that he had certain opinions and was not likely to change them, he had been re-elected without difficulty or opposition in every election that had occurred during the last 28 years. He fully advocated the principle enunciated on the other side of the House, that publicity was honesty and secrecy was fraud.

Mr. HEYGATE observed, that the conduct of Members on that side of the House, in desiring a full expression of opinion on this measure, had been vindicated more than once by reference to the course which the present Prime Minister had formerly taken, when opposing the Ecclesiastical Titles Bill and the Divorce Bill, which were supported by the vast majority of the House; but they need not go so far back as that, for during the present Session of Parliament they had the experience of the Protection of Life and Property in certain Parts of Ireland Bill. On that oc-

casion a minority which only numbered 11 on division, discussed the Bill hour after hour and day after day, and the Prime Minister had not a word of reproach for them; and now they, who represented an important part of the House and of the country were asked suddenly to change their opinions, or agree with those who had so recently adopted the principle of the Bill. Was it very extraordinary that they should wish to hear the question thoroughly discussed, and to hear some satisfactory reasons for assenting to the Bill before the House? There must be sitting on the other side of the House 150 hon. Members, at least, who had hitherto opposed the principle of secret voting for years, and who the other night voted for the measure for the first time; and this, he thought, bore out the opinion of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) that the measure would be carried by what he called a mechanical majority. What new reasons, then, were there for such a wholesale conversion, and for submitting to what the advocates of the Bill allowed was an "humiliation" and a "choice of evils?" It had been urged that the argument of trust for the non-electors had been removed by the large extension of the franchise which had taken place within the last few years; but Lord Palmerston had shown that this would not arise from any extension of the franchise which was not universal, for that there would still remain the trust to be exercised in favour of the women and children and all the other unenfranchised. The facts were these—before the last Reform Bill about 1,000,000 persons performed the trust on behalf of the rest of the community, and that number had by the late extension increased to more than 2,000,000; but there still remained a vast majority for whom the comparatively small body of electors still exercised the trust. The argument that we should be guided by the conduct of foreign countries and our Australian colonies on any such question had been demolished by the Marquess of Salisbury in "another place," who, on another occasion, denounced the notion of being so guided, and gave to this mode of reasoning the nickname of "the intelligent foreigner argument." It was clearly not for us to take our opinions from intelligent

foreigners. It must first be shown that in foreign countries there was a more intelligent mode of conducting public business, and that law and order were better maintained there than at home. As far as France and America were concerned there was no analogy, as it was admitted that there was no secret voting in either of those countries. As to the practice in our colonial possessions, he might remark that the Ballot might be very well in the colonies, and still not suitable to the mother country. It would be unfair for us to be guided by the opinions of the Governors of Australia. Even their opinions in favour of the Ballot were given with so many modifications, and the difference of circumstances was so great that they ceased to be an argument in its favour. One important difference between the mother country and her colonies was the value set upon membership in the two places. The value of a seat here might, by-and-by, be depreciated; but so long as there was a desire on the part of those whom the hon. Member for Waterford called the "successful capitalists who sit around him" to enter the House of Commons, the weight of the money-bag would tell, and he believed it would tell with increasing force if the Ballot were adopted. No new argument worthy of the name of an argument had been used to induce the House to change its policy with regard to the Ballot. The Premier had admitted that the adoption of the Ballot was only "a choice of evils," and the House had a right to look for something more than the miserable apologies for arguments which had been set up in favour of the measure. With reference to the question whether bribery had increased of late, he believed it would be admitted on all hands that there never was a fairer election, as far as regarded bribery and treating, than the last General Election, and he could see no reason why a violent and uncalled for change should now be made in the electoral system of the country. As far as intimidation was concerned, that was a question on which hon. Members would differ; but he could find no evidence of a great increase of intimidation. He did not know that even the hon. and learned Member for Taunton (Mr. James) held that intimidation had increased, although he based his argument in favour of the Ballot on the existence of

intimidation. On the other hand, they had the emphatic testimony of the Judges who had tried the late Election Petitions to the contrary. There were many cogent reasons that might be advanced in favour of the proposition that the Ballot was not required for the protection of the voter; but he need only mention that the increase in the number of electors had rendered bribery difficult, and, as everyone knew, it was now capital which was seeking labour, and not labour in search of capital, so that the growing independence of the working classes decreased the chances of seducing the voter from electoral purity. On the other hand, the inevitable result of the Ballot would be that there would arise a system of hypocrisy greater than ever existed in this country. If a man was not to become a hypocrite there would be no use in giving him secret voting. He must tell a lie in order to make secret voting any protection at all, and this was what an Englishman would not do. It was not in the nature of an Englishman to conceal his vote; and eventually his opinion would be as well known as it was at present. Then, again, the detection of bribery and personation would be rendered more difficult, if not absolutely impossible, if, as under this Bill, there was no means of tracing the vote when once given; and, what was even worse, elections would be reduced to stump oratory, and many of the best men—the sober and the thoughtful—all, in fact, who were not prepared for political agitation, would be excluded from that House. There were two points in the Bill of which he approved; and those were the abolition of nominations, and the rendering it illegal to issue hourly returns of the poll, a practice which had in times past caused much rioting and disturbance of the peace. Entertaining, then, the opinion that this measure was against every reason which had hitherto been adduced, and that there was no new reason adduced which could justify them in registering a decree at the instance of a dictator on the Ministerial bench, he, for one, should refuse to follow him in the course which he had proposed.

COLONEL JERVIS said, he had been requested by his small but varied constituency of farmers, commercial men, shopkeepers, and mariners to vote against the present Bill, and for this, among other reasons—they failed to see

why, having only recently, so far as the majority of them were concerned, been placed upon the electoral roll, they should not be treated with the confidence that had been reposed in the former voters, who were allowed to record their suffrages openly in the sight of their fellows. As to the operation of the Ballot in Ireland, he would remind the Prime Minister that the Irish were now comparatively a united people, and would return the men they wanted, as the experience of the last few months proved, whether they had the Ballot or not. He (Colonel Jervis) had seen the working of the Ballot in most parts of the world where it was in operation, and could bear testimony as to its utter inefficiency. In regard to America it was well known that no man went to the poll whose vote was not known months beforehand. In fact, the results of elections were always known some time previous to the Balloting, and the funds in Europe rose and fell accordingly. When the Prime Minister went to the Ionian Islands he found the Ballot in operation. Notwithstanding that, the right hon. Gentleman reproved the whole population, including the Bishop and clergy, for their want of allegiance to British authority. It was in consequence of the Ballot that the English Government had lost their influence of the people, who came in consequence under the control of the Greek priests and the Russian Government. Again, it was well known that in France the Government controlled the Ballot, and in Greece whenever the elections went against the Government, the Government party seized the Ballot-boxes and burned the voting papers. Her Majesty's Government were trying to burke this question by carrying a mere Ballot Bill—a measure which was a direct insult to the population of this country. If what rumour said that day were true, the proceeding referred to was most discreditable to the party connected with it, and the English people before long would let the Government know what they thought of it. It was reported that a meeting of Members took place that day at the official residence of the Prime Minister. If it were true that the Prime Minister induced the Members at that meeting to pledge themselves not to discuss this question, and not to proceed with any of the Notices which they placed on the

Mr. Heygate

Paper respecting this Bill, the people of England would very soon let the right hon. Gentleman know what they thought of such conduct. If such a proceeding had taken place it was a direct violation of the solemn pledge which the right hon. Gentleman made before Easter, that in the event of the House assenting to the second reading without discussion, ample opportunity should be afforded for discussing the Bill afterwards. They (the Opposition) were twitted for the course they were pursuing in respect of this Bill, which was described by the right hon. Gentleman as a factious and disorderly opposition; but he would remind the Committee that the right hon. Gentleman who introduced this measure (Mr. Forster) was one of about 30 Members who had perseveringly opposed the Cattle Bill some few years ago, ultimately succeeding, after weeks of opposition, in their object, that Bill having then been withdrawn. It might also be remembered that the present Prime Minister opposed the Divorce Bill on the ground that in the month of July it was impossible for a Bill of such magnitude to be considered by the House, much less carried, and he was bound to admit that the right hon. Gentleman was quite justified in making that assertion. Well, he (Colonel Jervis) asked the right hon. Gentleman whether he could expect to carry such an important Bill as the present this Session? Individually, he did not care whether the Ballot was established or not, as he felt convinced that a vast majority of the people would vote rightly and conscientiously; but he believed that if the Government dissolved Parliament and appealed to the country on the subject they would fail to carry their Bill at the hustings. The change which had taken place within the last two years amongst the working classes was very great. They no longer skulked into holes and corners for the purpose of expressing their political sentiments, but proclaimed them openly at meetings held in Hyde Park or Trafalgar Square. He hoped that before they came to a definite resolution upon this question the Government would re-consider the great changes which had taken place in the country since they came into office, and would appeal to the people upon this question of the Ballot.

MR. NEVILLE - GRENVILLE reminded the Committee that some 25

years ago, when he was in the House, the then great Conservative Government and a large portion of their political party changed their opinions upon a most serious question of public policy. The explanation which that Government gave for such a change was, to his mind, satisfactory. Having heard that evening so many speeches on the one side, he should express a hope, as an independent Member, that the Government would be allowed to proceed at once with the clauses of the Bill, and to explain what they had to say in respect to them. After the animadversions which had been made upon the occupants of the two front benches that evening, it was scarcely to be expected that any of them would intervene at the present moment.

COLONEL BARTELOT appealed to the hon. Member for North Warwickshire (Mr. Newdegate) to withdraw his Motion—that the Chairman do now leave the Chair. If, however, any blame were to be attached to any one Member in regard to the proceedings of that House, it was to be attached to the Prime Minister himself, who fixed the second reading for a time that was most inconvenient for hon. Members. The right hon. Gentleman persisted in fixing the second reading of the Bill in Passion Week, when there could be no discussion. He hoped that what had happened would be a lesson to him not to depart from the usual course pursued with reference to important matters, and that hon. Members might always be allowed to express, both on the second reading, and in going into Committee, the opinions which they entertained, particularly with reference to a Bill that they believed to be unnecessary. Discussion having now taken place, he hoped his hon. Friend would withdraw his Motion.

MR. NEWDEGATE said, that he feared that he violated a maxim of that distinguished Diplomat, M. Tagleron, who in the choice of his *employés* said—*Sourtout point de zete*, for he (Mr. Newdegate) was in earnest; a feeling which seemed wanting on the other side of the House, where no zeal existed except to keep together. For his part, he regarded this great national measure as one that was pregnant with future changes, and he thought it right to take the opinion of the House upon his Motion, for he was opposing the Bill, not from any

[Committee.]

fancy of his own, but in belief that it was at variance with the feelings and interests of the people of this country. He based his opposition, not upon his own authority, but upon that of the late Leader of the party on the other side—one of the greatest men who ever occupied the position of Prime Minister. The conduct of the supporters of the Government represented either the apprehensions of the plutocracy, that want of courage which was the curse of wealth, or that subordination to party objects which wholly ignored national interests.

Question put.

The Committee *divided*:—Ayes 63; Noes 154: Majority 91.

Clause 1 (Short title).

MR. CAVENDISH BENTINCK said, he thought that this clause should be postponed as well as the Preamble, because it only related to the title of the Bill, and on the next clause he proposed in line 12, after "every," to leave out the words, "Parliamentary and," with the view of confining the operation of the Bill to municipal elections.

MR. W. E. FORSTER said, he hardly thought the hon. Member seriously meant that this clause should be postponed. Of course, the hon. Member was perfectly aware, as the whole Committee were aware, that the Bill was introduced mainly in reference to Parliamentary elections.

Clause *agreed to*.

Nomination and Election.

Clause 2 (Regulations as to election and nomination of Members.)

MR. FLOYER moved in page 1, line 11, after "this Act," leave out to "such Elections," inclusive, in line 13, and insert—

"All nominations for Members to serve in Parliament shall continue to be held as heretofore provided by law, save and except where any riot or serious disturbance shall take place, or may reasonably be expected to take place, at the nomination; and in every such case the returning officer shall, at his own discretion or upon the representation in writing of any ten electors of the place for which the nomination is intended to be held that a riot or serious disturbance may reasonably be expected, adjourn the nomination to a future day to be by him appointed, so, however, that such day be not more than (two) days later than the day originally fixed for such nomination; and on such day he shall proceed with the nomination of candidates and the Election of Members

Mr. Newdegate

according to the regulations, and in the manner following."

The hon. Gentleman said, the question involved in this Amendment had received scarcely any attention in the course of the recent debates, and it was one which might be considered without any reference to party views. It had been said that those hon. Gentlemen who supported public nominations made an unnecessary profession of courage—the inference being that such hon. Gentlemen were not likely to be exposed to much riot or disturbance at their election, while others might be exposed to very unpleasant occurrences. But, for his own part, he disclaimed the appropriation of any courage of that sort—he was as fond as any man of a peaceful and quiet life, and he hoped he was quite free from the imputation of any desire to expose candidates unnecessarily to riot and disturbance. The object of his Amendment was to preserve for the future public nominations of Members to serve in Parliament: but his proposition was accompanied by the provision that in case of serious riot or disturbance, or apprehension of riot or disturbance, the returning officer should have the power of adjourning the nomination, and should then proceed in the manner pointed out in the clause. He had desired that his Amendment should proceed on the lines of law and precedent as already laid down and acted upon. The 5 & 6 Will. IV. c. 36, provided that in case of riot or disturbance at a nomination or at a poll, the returning officer should adjourn the nomination or poll to the following day, and, further, if necessary. In a few instances the provisions of that Act had been carried out; but as it provided only for an adjournment it was necessary that the proceedings should go on, and the result was that those who desired to cause a disturbance had only to wait until the nomination was resumed, when they could again cause a tumult. He proposed to obviate that difficulty by providing that in such a case the election should be held in accordance with the Bill. He, however, desired to extend the application of that provision to cases in which there was only the apprehension of riot. It might be said that the object of his clause was indefinite; but in his Amendment he followed the provisions of an Act that had already been put in force—namely, the Special Con-

stables Act of 1 & 2 Will. IV. c. 41, which referred to cases where it was made to appear that there had been a tumult or might be reasonably apprehended in any parish, the only difference being that he placed the power in the hands of the returning officer (either at his own discretion or on the representation of any ten electors), instead of with the justices, who did not stand very high in the estimation of some hon. Members. This plan, he believed, would give real discouragement to disturbances at elections, if it did not lead to their total cessation; because when it was found that an end could be put to riotous proceedings, candidates might, perhaps, be allowed to express their political opinions on the hustings. This part of the subject had been well-considered by the Committee on Parliamentary and Municipal Elections, who, in their Report, pointed out the various advantages of public nominations, which they were decidedly in favour of retaining. Nor was this a qualified expression of opinion on their part since that portion of the Report was carried in opposition to a Motion which would have recommended the abolition of nominations. The clause in favour of their being retained was moved by the right hon. Gentleman the Member for Northamptonshire (Mr. Hunt), and it was carried by the vote of the right hon. Gentleman the Member for Morpeth (Sir George Grey). Was it not most unjust to the large number of boroughs and counties where elections were conducted in an orderly and decorous manner that they should be deprived of the privilege they had enjoyed for centuries of hearing those who aspired to represent them express their political opinions on the matters on which the public welfare depended before they confided such an important trust to them? That part of the Bill proceeded on the principle which was the radical fault of the whole measure—namely, that of condemning in penalties large numbers of unoffending men and unoffending constituencies merely because certain other men and certain other constituencies had disgraced themselves by their conduct. It would compel honest men to give their vote secretly, because a certain number of dishonest voters had turned open voting to a bad purpose. He was aware that other reasons had been alleged in favour of doing away with nominations.

The hon. Member for Waterford (Mr. Osborne) had spoken of candidates having to pay for the show of hands; but experienced judges of those matters thought the candidate who got the show of hands was most likely to lose the election. The same hon. Member also told them that he had to pay for an audience to listen to his oration; but that, too, was rather a foolish expenditure; it could not be regarded as necessary, and formed no good ground for abolishing nominations. For himself, when he hired a servant, he liked to see him, and fancied he could detect a difference between the look of an honest man and that of a rogue, and was it less important that the electors should see those who sought to represent them in Parliament? Voting by Ballot might be carried on in the dark; but he liked men to stand on the hustings in the open light of day. The right hon. Gentleman (Mr. W. E. Forster) said he had never canvassed and never would, and perhaps his great abilities enabled him to dispense with a process which less able men were fain to adopt; but if candidates were not to canvass and not to appear on the hustings, when were the constituents to see them? True, at the last Election in some cases letters recommendatory, written by men of high authority, were despatched from London in favour of particular candidates; but he had never heard that those letters were very successful, although perhaps that might be one of the modes resorted to if canvassing were done away with. It was, however, far better that a man should speak for himself, and should state his views not in any hole-and-corner meeting, where all present were, perhaps, of one way of thinking, but on the hustings, where there was that conflict of opinion by which alone they could hope to get at the truth. Again, the hustings was the proper place for the opposing candidates to meet each other face to face and clear up those little misunderstandings which often grew out of the heat of an election contest. The hustings enabled opponents to bring their differences to a final issue, and as an hon. Member had said, on the hustings the victor and the unsuccessful competitor should shake hands and be friends. Again, at the nomination questions were often asked that elicited useful answers, and decided doubtful voters.

[Committee—Clause 2.]

Further, it should be remembered that at the hustings, and on nomination days, the non-electors—still a numerous body—were able to take part in the proceedings. But the strongest ground on which he supported the continuance of nomination days was the broad one of their publicity. If there was one thing which he had hitherto admired more than another in the conduct of hon. Gentlemen opposite it was their consistent belief in the power of public opinion; but this Bill endangered the confidence he had in their views in that respect. This was a Bill for the suppression of public opinion, and put a penalty on a man for saying how he was going to vote. How, then, was he to discuss public questions? This furnished another reason why he advocated the retention of the nomination. How were the political opinions of candidates to be communicated to constituencies if they were not to be expressed *videlicet* on the hustings? By an address? If a candidate wrote a short address it would be read, though not very widely. But were it a long one it would share a different fate. Thousands of men would go a long distance to hear a speech from the hon. Member for Waterford (Mr. Osborne). They might read a speech of his reported in the newspapers; but if he wrote a long address, the number that would read it would be very few indeed. He (Mr. Floyer) had attempted to treat this subject in a Conservative spirit, for he liked to preserve what was good and wholesome and real in our constitutional observances. The right hon. Gentleman appeared in a very different character now from what he did last year, when he with so many others were only too glad to give him their warmest support. Then he appeared in a Conservative character. He was preserving the good, sound institutions of the country. But now he came before the House as a destructive, as a total abolitionist. It might be said this was a small matter. But he could not think anything a small matter which was connected with the national customs, the political life, and the national character of the country. Few things, he believed, had exercised more effect on English character than our political institutions, especially those connected with the mode of electing Members to serve in Parliament, and he feared that attachment to the Constitution would be seriously impaired by the measure.

Mr. Floyer

Even if secret voting should be carried some portion of that spirit might yet be preserved by retaining public nominations. If secret voting was introduced and nominations abolished, how could they enlist the sympathies of the people on the side of the institutions of the country? It was with these feelings that he ventured to place the Amendment on the Paper. He hoped he would be supported from both sides of the House, and with some confidence of success he begged to offer his Amendment for acceptance by the Committee.

Mr. HENLEY said, he regretted the introduction into the Bill of the clause at present before the Committee, because it was not at all necessarily mixed up with the question of secret voting, and a matter of so much consequence as the immediate question might have been discussed more dispassionately and with greater advantage if there had been an opportunity of dealing with it standing alone. The Amendment was intended to raise the question in as unobjectionable a form as possible. So far as candidates, electors, and expenditure were concerned, he believed the present system was better than the one proposed by the Bill. It was hard upon the electors, who had most right to be considered in the matter, to deprive them of the opportunity of meeting candidates for their suffrages face to face, and of putting questions to them. Anyone who had his experience would know that when a man came on the hustings very many questions were asked him, and it was a great comfort to be able to answer them. It would be the greatest possible discomfort not to have an opportunity of meeting everybody face to face, answering everything they had to say, and thus not only keeping oneself straight with one's constituents but preventing what would be ten thousand times more mischievous than any disturbance to everybody—one's character being whispered away behind his back without an opportunity of knowing what was said, or any opportunity of making an answer. It was no exaggeration to say that men of experience could very often tell from the show of hands whether it was worth while to go to the poll, even though half of those who attended were non-electors. Expense had been saved in this way; but if public nominations were abolished, there would be absolutely no

opportunity of forming any opinion as to what might be called the "trim" of the public on the occasion. The only reason he heard assigned against nominations was that now and then there was a row, and no doubt they were a little lively sometimes. But that did not do much mischief to anyone. Mischief, doubtless, did occur at times in some places where roughs were hired. But it was a great hardship to punish constituencies generally—for he regarded it as punishment—because in a few places such practices obtained. These were some of the reasons why he thought the existing law much better. One serious objection to the clause was that it left a discretion to the returning officers to fix the day on which the poll should be taken. If there was one thing more desirable than another with regard to the conduct of elections it was that the returning officer should be free from suspicion of bias in favour of either candidate, and this would be impossible if the clause were allowed to stand in its present form. It often happened that a day made all the difference to the candidates, whether the day was fixed early or late. If two days were not sufficient, it would be far better to fix the number of days in the Bill, for in many cases the fixing of a day by the returning officers would turn the scale in favour of one candidate or the other. In counties especially it was most important that the constituencies should have afforded to them every reasonable opportunity of meeting and hearing the opinions of gentlemen seeking to represent them, or otherwise, they might be ridden over by some wealthy person who sought by his riches to overshadow the county, or by the mere nominee of some London club sent down to snatch the representation for the advantage of the political party to which he belonged. If hole-and-corner meetings were held the electors would be powerless, because they would know nothing of the party, and the election might be over before the news spread over the county. A great deal had been said about rows and excitement in connection with election meetings; but he thought there was more danger of rows, and a succession of them, at meetings held in the "Pig and Whistle" than at a public nomination, where the candidates would come face to face with the electors, and, after perhaps a gentle breeze, all persons con-

cerned would have an opportunity of becoming acquainted, and the opinions of the candidates would lie open before those whose votes they sought. Instead of giving this publicity to electoral proceedings, it was sought to shut up the candidates in a box, where they would be perfectly safe from all cross examination by the electors. He hoped that the clause would be withdrawn, and that the nomination would be allowed to be taken in the old way.

MR. BERESFORD HOPE said, he could not support the Amendment, the effect of which would be to retain in the electoral system a relic of a time when all the circumstances of social and political life were different from those of the present day. It had been said that it was desirable that candidates should face the electors, and submit to be cross questioned. Now a candidate would be open to all sorts of cross-examination by his constituents at the meetings which must be held prior to the election, and there would be ample opportunities of buttering them in the *Journal*, lampooning them in the *Gazette*, and placarding them in different colours over all the dead walls in the town before the election came on. What occasion, then, was there to have a last day of row and rioting among the free and independent electors? The hon. Member for Stoke (Mr. Melly) would remember the nomination day in which he (Mr. Hope) and that hon. Member took part. The first exhibition of playfulness which took place was a rush of the mob, which swept away the reporters, who had to take refuge on the hustings. The hon. Member made some charge against him, of which he could not hear one word, and when it came to his turn to speak he simply stood gesticulating for about 20 minutes. At intervals of a few minutes he contrived to whisper something into the ears of the reporters, who stood near him, and it was stated in the newspapers that the confusion was so great that only a few scattered sentences could be heard. Such exhibitions tended to create a great deal of ill-blood, and he should be glad to see them put an end to. As one of the representatives of the only two constituencies in the United Kingdom where nominations were unknown and elections perfectly orderly, he should oppose the Amendment with a clear conscience.

[Committee—Clause 2.]

MR. A. EGERTON admitted that there were objections to open nominations, and said the only question was, whether they were strong enough to induce the House to abolish the system altogether. The Committee must remember that in a majority of the constituencies no complaints of the existing system could in reason be made. In Scotland, where nominations were held in closed buildings, there were abominable practices, and candidates were obliged to go clothed in macintoshes, though he could hardly state for what reason. But there was a great advantage in a man appearing before his constituents, so that he might answer their questions, and if open nominations were abolished the constituencies would not be satisfied without seeing their Members. Then the system of holding meetings at which a Member could meet his own supporters with, perhaps, a sprinkling from the other side, as followed in Lancashire, would come to an end, for there would be a fight at the doors for admission. Thus, instead of one confused meeting there would be a large series of them, where nothing sensible could be done. He did not believe that they would gain at all from the abolition of public nomination, which had many recommendations, and would be improved by the qualifications proposed in the Amendment of the hon. Member (Mr. Floyer).

SIR JOHN TRELAWNY observed, that every Member worthy of a seat in that House ought to have the courage of his opinions, and supporters of the Ballot would require no apology from one who wished to act with freedom, and he must say he had not the good fortune to agree with his own party with regard to this clause, for he could not think it was a wise proposal to abolish nominations. He feared that it would have a tendency to lower the character of the House. Suppose, for instance, a man came from the colonies, or from the East, with £20,000 a-year, but with a character which was not too good. Nobody would know anything about him; and, by going to a solicitor, he might secure arrangements by which he would gain a seat in that House, on condition that a sum of money should be paid after his election. As no opportunity for inquiry was given at the election, a person of no character might thus get into the House, and as Members would naturally be inclined to

treat a new comer kindly, he might be enabled to rehabilitate himself. He was surprised that his hon. Friends should allow hon. Members on the other side to outdo them in supporting one of the most open of our election proceedings. In constitutional matters everything should be as plain, simple, and perspicuous as possible. He found fault with this measure in several respects. One serious objection to this clause was, that the returning officer might be subject to local pressure in an inconvenient manner with regard to the mode of conducting the election. For example, he was to have a discretion as to the number of persons to be admitted to witness a nomination. Would not the local newspapers complain of him, if persons favoured by editors should be excluded? If the clause acted at all it would be imperfectly and unfairly, and unless he heard some good reason from the right hon. Gentleman the Vice President of the Council he could not support it.

MR. W. E. FORSTER said, he regretted that the hon. Member (Sir John Trelawny) could not support the clause, but he thought the hon. Member's reasons insufficient. He (Mr. Forster) thought the power of the rich man to get into Parliament was greater under the present system than it would be under the new one contemplated by the Bill. If a man had £20,000 a-year, he might easily secure at a public nomination that nothing he said need be heard, and that nothing said against him should be heard. Nor was the nomination day a time at which the candidate was subjected to any real and effectual questioning. With regard to the Amendment which the hon. Member for Dorset (Mr. Floyer) had brought forward, in a fair, candid, and able manner, he thought its terms were open to some objections which could not have been urged against a mere negative of the abolition of open nominations. The hon. Member left it partly to the returning officer and partly to the representations of a small number of electors to say whether there should or should not be nominations. That was a discretion which, notwithstanding the precedents he produced, would be most inconvenient to the returning officer. It was also desirable that the constituencies should know how an election was to be conducted, and that the question of an open nomination should not be left to the re-

turning officer or any of the electors. The real issue before the Committee, however, was whether open nominations should be abolished or not. The chief argument in favour of maintaining the present system was that it was necessary to secure publicity for the candidate's opinions. But that might be fully secured through the Press, and by means of advertisements. Then it was said that it was desirable that the candidate should be seen by the electors, and some hon. Members seemed to suppose that a candidate would be prevented by the Bill from meeting his constituents. But there would be no prevention whatever. The fact was that for the future very few would have a chance of being returned unless they did meet their constituents. Open nominations were in reality public meetings of the worst kind, because they were more noisy and disorderly than any other public meetings. The hon. Member for the West Riding and himself had attended many meetings in Lancashire and Yorkshire, and, with the exception of nominations, he had scarcely ever known a disorderly public meeting. At the hustings the general experience was not the gentle breeze spoken of by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), but a stormy breeze, arising from the simple fact that nomination meetings were not really held for hearing opinions or obtaining information, but for the purpose of obtaining the show of hands. That took away from it all its intelligent character, and was a great temptation to the candidate and his friends to try to obtain the show of hands. The nomination, too, was generally a public meeting of a very partial kind. How was it possible that in a county the electors of the different divisions should be represented at the nomination in proportion to their numbers. It was the inhabitants of the immediate neighbourhood that were present. One great reason why the Government had brought in this Bill was to make elections as orderly as possible, and to induce the peaceful portion of the voters to take as large a part as possible in the return of their representative. But it was well known that quiet people had the greatest objection to the disorder of nomination days, and were very likely to stop away.

MR. HUNT said, he moved the Amendment in Committee to which his

hon. Friend behind him (Mr. Floyer) had referred. The objection to the wording of the Amendment would be entirely removed if the Committee adopted the first part of it—namely, that—

“All nominations for Members to serve in Parliament shall continue to be held as heretofore provided by law.”

That commended itself to his view, and he hoped his hon. Friend would be satisfied with it. He had a very strong feeling in favour of publicity at nominations. The right hon. Gentleman opposite (Mr. Forster) had said that the day had gone by when they should trust to speeches at nominations for explanations of candidates' opinions, but that they were to have recourse to the expensive process of printed addresses and advertisements, instead of the simple process that had for so many years satisfied their forefathers. He (Mr. Hunt) would give an illustration of the utility of the present system. At the last Election he never addressed his constituents except at the nomination. On that occasion he went fully into the question of the Blackwater Bridge, with respect to which he thought an attack had been made upon himself and the late Government by the right hon. Gentleman the Prime Minister, and he believed he fully satisfied every elector and non-elect who heard him. Every elector should have an opportunity not only of hearing the sentiments of the candidate, but of putting to him any questions that he chose. Then, under the new system, it was said that canvassing would cease. In that case the electors would not have an opportunity of colloquial communication with the candidate. Then, candidates were to content themselves with private meetings of the electors, to which admission, for the most part, would be by ticket. [“No, no!”] Hon. Members might say, “No, no.” He did not say it was universally so; but he believed it was a common practice now to hold meetings and admit by ticket. [“No, no!”] He had always declined to attend ticket meetings himself, and always made it a condition, when asked to attend a meeting, that there should be no tickets. At all events, where tickets were used the meetings would be one-sided. With regard to printed addresses, it was well known that many of them emanated from kind friends; but

[Committee—Clause 2.]

the electors had a right to know not only what were the candidates' opinions, but what were his powers of expressing his and their opinions, and it might be they would not return him to Parliament unless they had some knowledge of his power of oratory. Under the proposed plan constituents would not have the opportunity of forming an opinion of his oratorical power. One of the sentences in the Report of the Select Committee was, that though the evidence of the majority of the witnesses that came before them was in favour of a change, no practical substitute was proposed by anyone. In order to get a sufficient security for the *bond fide* nomination of candidates, the Government were obliged to violate the whole principle of their Bill, which was secrecy from beginning to end; secrecy during the poll, which he approved, and secrecy after the poll, which he disapproved. If they compelled ten gentlemen to declare in the face of the world that they would give their votes in favour of one particular candidate, what became of the principle upon which the Bill was supposed to be founded? So far he had been treating of electors only; but he had to say a word on behalf of non-electors, who had a perfect right that their feelings and opinions should be given publicity to; and it was quite a proper thing that a candidate should run the gauntlet of the expression of opinion on the part of electors as well as non-electors. He did not see because a few constituencies had been guilty of default that that was a reason for doing away with the advantages of public nominations. He thought it probable that this proposal was due to the reminiscences of the right hon. Gentleman the Chancellor of the Exchequer; but on the occasion on which the right hon. Gentleman was, to the great regret of all who knew him, so ill-treated, it should be remembered that he went down as the private friend and nominee of the patron of the borough. Such a thing could scarcely occur again, although if the right hon. Gentleman presented himself to a popular constituency, a few lucifer matches might, perhaps, be burnt in his honour. He hoped the Committee would not, for the sake of a very few constituencies which had disgraced themselves, and whose manners were in process of reform, consent to part with the present system of public nominations.

Mr. Hunt

Mr. WALTER said, he had, unfortunately, had some experience in nominations, and could only say that it was a remarkable mistake to suppose that they in any way tended to diminish the expenses of candidates. In boroughs they might possibly add but little to the expense; but in counties it was quite different. A candidate living near the town where the nomination was to be held usually attended, accompanied by a large body of his friends and supporters, and his opponent, who might live many miles away, was compelled, at the instance of those who managed his affairs, to bring a large body of his supporters, at great expense, for the purpose, if possible, of securing the show of hands. It was urged that to do away with the nomination, as at present conducted, would be to do away with the opportunity which now existed for the electors to ascertain the opinions of the candidates; but there was no doubt that the candidates would make it a point to be in the town on the day of the nomination, and that they would address the electors from the windows of their committee-rooms or elsewhere. The alternative proposed would substitute for a very lively proceeding one of the dullest ever invented by human ingenuity. A candidate would go into the town-hall, accompanied by 10 or 12 friends; they would sit there for two hours, waiting to see if any fresh names were proposed, and at the end of that time would march solemnly out again. At present it was the practice at the declaration of the poll for the candidates to speak a few words of thanks to their supporters, and it might, he thought, be as well if at the conclusion of the nomination as now proposed the doors were thrown open and the candidates permitted to address a few words to those present. At all events, such a plan would do away with the complaint that the collective constituency had no opportunity of hearing the opinions of candidates.

Mr. PERCY WYNDHAM objected to a proposal to abolish the mode of nomination which had prevailed for more than a thousand years. There was a great distinction to be drawn between mere noise and dangerous riot, and when the former developed into the latter it was usually due to the inefficiency of the police arrangements. The real remedy, he believed, lay in the Amendment be-

fore the Committee, and he, for one, saw no reason for so violent a change in a mode of election well suited to the people of this country.

MR. CHARLEY moved to report Progress.

Motion negatived.

MR. FLOYER said, that he should not object to retaining nominations as they now existed; and if it was thought desirable, he would adopt the suggestion of his right hon. Friend the Member for Northamptonshire (Mr. Hunt), and would so alter his Amendment that it should stop at the word "law."

Amendment proposed,

In page 1, line 11, to leave out from the word "Act," to the word "Elections," in line 13, inclusive, and insert the words "all nominations for Members to serve in Parliament shall continue to be held as heretofore provided by law."—(Mr. Floyer.)

MR. A. EGERTON said, he thought that, as a rule, nominations might be allowed to proceed under the present system, and that, under certain circumstances, they might be conducted privately.

MR. ASSHETON CROSS observed, that the right hon. Gentleman the Vice President of the Council argued that because when the show of hands was taken the meetings became disorderly, therefore nomination days should be abolished. He thought that argument most extraordinary, because the Bill abolished the show of hands.

MR. COLLINS said, that nomination meetings for counties were frequently held in boroughs which returned Members of their own, and the decisions really did not express the public opinion of the county. If this were so, the sooner the nominations were abolished the better.

MR. J. HARDY wished to know how they were to compensate the non-electors for the loss of the opportunity of expressing their opinions by the show of hands, and asked whether, as it was stated by the Prime Minister that household suffrage led to the Ballot, the abolition of nomination days would lead to universal suffrage?

MR. J. FIELDEN observed, that he had not found that the ordinary candidates' meetings were as quiet as could be wished. They were considered mere

party meetings, and the only meeting at which the public was fairly represented was that for nomination. He objected to the abolition of nomination meetings. The importance attached to them was shown by the fact mentioned by the hon. Member for Berkshire (Mr. Walter) that the candidates brought up their supporters to the nomination meetings.

SIR JAMES ELPHINSTONE said, he thought there might be some reason in what his hon. and learned Friend the Member for Boston (Mr. Collins) had said why they should get rid of nominations in counties; but there was no reason why they should get rid of nominations in boroughs, where Members might be "turned inside out." If they did away with nominations in boroughs, especially in large boroughs, where the constituency had no means of seeing or knowing the candidate when he submitted himself to them for examination, they could not have what he considered to be the real English freedom of election. He had been anxious to hear hon. Members opposite on this question. The right hon. Gentleman the Prime Minister had held a "caucus" at his official residence to-day; his supporters had been struck dumb, and the multitudinous Amendments of which they had given Notice, occupying some 29 pages of print, were to be withdrawn. Was the freedom of public opinion thus to be stifled? It would be necessary that other Members should take up those Amendments which were withdrawn, and argue them before the Committee.

Words of Amendment after "law," by leave, *withdrawn*.

Question put, "That the words 'the following regulations shall have effect' stand part of the Clause."

The Committee *divided*:—Ayes 296; Noes 113: Majority 183.

Moved, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. W. E. Forster.)

MR. PELL said, there was a rumour that certain Amendments which stood on the Notice Paper might be withdrawn. He did not wish to ask the Vice President of the Council whether he was cognizant of the arrangement; but he hoped those Gentlemen who had entered into this plan—he would not say conspiracy—would take the earliest op-

[Committee—Clause 2.]

portunity of formally withdrawing their Amendments, in order to give other hon. Members an opportunity of replacing those which they approved. In the name of common honesty and straightforward dealing, he appealed to them to take that step to night, in order that hon. Members might know how the matter stood in the morning.

MR. FAWCETT said, he felt in candour bound to support the view just expressed on the other side of the House. He tried to express that opinion that day in another place, but did not succeed. He was not going to commit any breach of private progress; but what he did in one place he was prepared to do in another. Advice had undoubtedly been given and largely accepted on this side of the House that the Amendments which stood on the Paper in the names of Liberal Members should be withdrawn. ["No, no!"] If what he stated was considered incorrect, he must say that that impression was distinctly produced upon his mind. What he now wished to say to the Chairman was this—that the Notices of Amendment which stood on the Paper were distinctly and clearly the property of the House. ["Order!"] With regard to some of them—

THE CHAIRMAN: The Notices which are on the Paper are in no sense the property of the House. They are simply Notices that on a future day hon. Members intend to make certain Motions; but that by no means binds those Members to make them. They are in no sense the property of the House, and they cannot be discussed by anticipation.

MR. FAWCETT said, he quite understood the Chairman's correction, and he would try to speak in order. Those Amendments, no doubt, according to the interpretation which had been given, were not the property of the House. But the point which he wanted to put was this—supposing an hon. Member had an Amendment on the Paper, and did not move it, 20 other Members might be prepared to do so. What he wished to ask of hon. Members who had charge of these Amendments was that if they did not intend to propose them they should give fair notice to the House. If that was not done the Bill never would, and never could pass, because everyone of the Amendments to which the House attributed importance, if withdrawn,

would undoubtedly be brought up on the Report or as a new clause. Some of the Amendments on the Paper were quite as important in the estimation of many as the carrying of the Ballot Bill itself; he, therefore, earnestly appealed to those who had placed Amendments on the Paper to withdraw them at once if they intended doing so.

MR. LIDDELL said, it appeared to him that there was nothing less involved in the subject under discussion than the honour, the credit, and the dignity of Parliament. He understood that certain Amendments which had been put on the Paper were about to be withdrawn ["No, no!"]—were not going to be proceeded with; and he contended that, although they might not be formally in the possession of the House, they were virtually so, and that the House should be put in a position to deal with them.

THE CHAIRMAN stated, in explanation of his former ruling, that the fact of an hon. Member having given Notice of his intention to move an Amendment did not bind him to move it, nor did it prevent any other hon. Member from placing a similar Notice on the Paper.

MR. GLADSTONE pointed out that the same Amendment had been placed on the Paper by several Members as it was, and the process could be repeated if hon. Members wished. The appeal made by Gentlemen on the other side had not been addressed directly to the Government, but had been made under the supposition that some influence had been used by the Government with their supporters for the withdrawal of Amendments, and likewise to secure the reduction of the Amendments on the Paper at the time when the discussion was about to arrive, so that their withdrawal might have the effect of a surprise. Now, seeing that there were 173 Amendments on the Paper the Government need not, he thought, be at all ashamed of being anxious for a diminution of their number, and they did not shrink from saying that as far as was consistent with the respect of Members of this House, they should be glad if it should be their pleasure to reduce that goodly list. With regard to the appeal made to Members on that—the Liberal—side of the House, that that withdrawal ought not to have the effect of a practical surprise, he was not concerned in that ap-

Mr. Pell

peal, because he had no Amendment on the Paper; but he must say that, as coming from those hon. Members, it was a reasonable appeal, and he presumed it would be fairly considered.

Motion agreed to.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

LOCAL GOVERNMENT BOARD BILL.

On Motion of Mr. STANSFELD, Bill for constituting a Local Government Board, and vesting therein certain functions of the Secretary of State and Privy Council concerning the Public Health and Local Government, together with the powers and duties of the Poor Law Board, *ordered* to be brought in by Mr. STANSFELD, Mr. Secretary BRUCE, and Mr. WILLIAM EDWARD FORSTER.

Bill *presented*, and read the first time. [Bill 230.]

MUNICIPAL CORPORATIONS (BOROUGH FUNDS) BILL.

Select Committee on Municipal Corporation^s (Borough Funds) Bill to consist of Seventeen Members:—Mr. AYRTON, Viscount SANDON, Mr. BIRLEY, Mr. ARTHUR GUEST, Mr. HINDE PALMER, Mr. MUNDILLA, Mr. CAWLEY, Mr. CANDLISH, Mr. Alderman LAWRENCE, Mr. FREDERICK STANLEY, Mr. Alderman CARTER, Mr. SHERIFF, Sir MASSEY LOPES, Mr. CHARLES TURNER, Mr. DODDS, Mr. HOLT, and Mr. LEEHAN:—Five to be the quorum.

Ordered, That all Petitions in reference to the Bill be referred to the Select Committee.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, 7th July, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Government Supplemental (No. 4) * (247).

Committee—Courts of Justice (Additional Site) * (218).

Report—Petroleum * (238); Owens College * (245).

Third Reading—Tramways (Ireland) * (203); Bath City Prison * (80); Metropolitan Board of Works (Loans) * (201), and *passed*.

PUBLIC SCHOOL COMMISSIONERS SCHEME—HARROW SCHOOL.

QUESTION.

THE DUKE OF ABERCORN asked whether, an Address having been voted by the other House of Parliament to Her Majesty, praying Her Majesty to refer back for the second time a scheme

of the Public School Commissioners relating to Harrow School for a re-consideration by the Commissioners, the Government intended to take any action? As their Lordships were aware, the great schools of Shrewsbury, Winchester, the Charterhouse, Harrow, and Rugby, were among the foundations referred to the Public School Commissioners by the Act of 1868, and consequently excepted from the operation of the Endowed Schools Act of 1869. The latter Act also provided that no changes should be made in the character of the Governing Bodies of denominational schools. But the Commissioners having proposed that the Governing Bodies of the five schools he had named should be Churchmen, the House of Commons prayed Her Majesty to refer the schemes back to them. The Commissioners, on re-consideration, waived this qualification in the case of Shrewsbury, the Charterhouse, and Rugby, but retained it in the cases of Harrow and Winchester. The House of Commons recently—at 2 o'clock in the morning, and, as it appeared, without debate—adopted an Address praying the Crown to disallow the Harrow statute. This Motion was supported by the Government, though it was in direct contravention of the two Acts to which he had referred. As senior Governor of Harrow he would offer no opinion on the proposed change; but the Government having unanimously adhered to the Endowed Schools Commissioners in the case of Emanuel Hospital, though in opposition to the will of the founder, it was strange that they should wish to set aside the decision of the Public School Commissioners when those Commissioners were acting conformably with the intention of the founder.

VISCOUNT HALIFAX said, that in the absence of his noble Friend the Lord President he would answer the Question of the noble Duke. The Act applying to the schools in question was the Public Schools Act of 1868, and they did not in strict law come under the operation of the Endowed Schools Act of 1869. The 17th section of that Act provided that membership of the Church of England should not be required as a qualification for membership of the Governing Body of any endowed school. Last year the House of Commons adopted an Address to Her Majesty, in which, referring to the five statutes establishing the constitution

of the new Governing Bodies of these schools, they represented to Her Majesty that since the passing of the Public Schools Act of 1868, the Endowed Schools Act of 1869 had been passed, and prayed that Her Majesty would refer back those statutes to the Public Schools Commissioners—

"In order that they might have the opportunity of re-considering certain parts of the said statutes with reference to the principles applied in the Endowed Schools Act to other Endowed Schools."

The statutes were accordingly referred back and re-considered by the Commissioners, who abandoned the condition of Church membership in the cases of Shrewsbury, the Charterhouse, and Rugby, but retained it in the cases of Winchester and Harrow. An Address was moved this Session objecting to the condition of Church membership being introduced for the first time in the case of Harrow. There was no report of the debate, but eight Members took part in it, and it was carried by a large majority. Her Majesty had given the same answer to this Address as to that adopted by their Lordships respecting Emanuel Hospital—namely, that she would withhold her assent from such part of the scheme as had been objected to by their Address.

THE ARCHBISHOP OF YORK said: As one of the Special Commissioners under the Public Schools Act who have presented the scheme for Harrow School, I desire to make a few observations in addition to what the noble Viscount has said. The noble Viscount draws a parallel between the disallowance of a scheme for Emanuel Hospital upon an Address from this House, and a disallowance of the Harrow scheme upon an Address from the other House of Parliament. But the two Acts of Parliament under which these schemes are drawn are quite different. The Endowed Schools Act directs that the Crown shall disallow any scheme upon an Address from either House; but the Public Schools Act contains no such provision, nor did the Commissioners who administered it suspect that any scheme against which an Address might be presented would, as a matter of course, be disallowed without further consideration. With reference to the particular provision in question, the facts are these. The Public Schools Act was passed to carry out the changes recommended by the Schools

Inquiry Commissioners in 1861, as the Preamble of the Act clearly shows. Now, it was one of their recommendations that the Governors of Harrow should be "members of the Established Church;" and therefore in inserting this provision in their original scheme the Commissioners were simply fulfilling the duty laid upon them by the Preamble of the Act. When the scheme was presented to Parliament last year an Address was moved in the other House that Her Majesty would be pleased to refer back the schemes of Harrow, Winchester, Rugby, Charterhouse, and Shrewsbury, for the purpose of considering these schemes in connection with the provisions as to the religious character of the schools of the Endowed Schools Act, 1869. My Lords, it is true that an Act passed for another class of schools in 1869 could have no effect on the Act passed in 1868 for the public schools, which were moreover exempted in express terms from the operation of the latter Act. At the same time, the Commissioners might very well, in a matter belonging to their discretion, use the latter Act for the purpose of illustrating the general policy of Parliament; they therefore accepted the task laid upon them by this Address, and proceeded carefully to ascertain which of the five schools were denominational schools, and which were not. They were of opinion that Charterhouse, Rugby, and Shrewsbury, did not come under this description, and that Winchester and Harrow did. About Winchester there is no dispute, although I cannot accept the noble Viscount's remark that Winchester is a cathedral school. It is, in fact, like Eton, connected with a college. With regard to Harrow, the case is simply this. By its charter the rules of the school were, after the death of John Lyon, to be drawn up by the Governors, with the consent of the Bishop of London, and any ambiguity was to be decided by the Archbishop of Canterbury. Every scholar was to learn the Lord's Prayer, the Articles of Faith, the Ten Commandments, and other chief parts of the Catechism. Almost the very words by which our Catechism is referred to in the Confirmation Service. The master is also to teach them out of Calvin's or Noel's Catechism. Noel's Catechism was published at the request of the two Archbishops, and sanctioned by the 79th Canon; and whilst Calvin's Catechism is

Viscount Halifax

not the work of a member of the Church of England, it was largely in use in England under the name of Stephen's Catechism, who was the translator of it. And Noell's Catechism, according to the authority of the present Bishop of Chester, is a good deal founded upon it. The scholars were to attend the parish church, and there was an endowment for the preaching of 30 sermons, the Headmaster to have the preference as the preacher of them. The secretary to the Governors informs us that the Governors have always been members of the Church of England, and the name of the Earl of Aberdeen, which has been quoted as an exception, turns out to be no exception at all. My Lords, I am at a loss to think of anything that is wanting here to constitute a Church school. A Bishop is to draw its rules, an Archbishop to interpret them; the Catechisms in use in the Church are to be taught to the boys; they are to receive instruction by sermons in the parish church, and the Governors have always been members of the Church of England. Upon these facts I venture to assert that Harrow is as much a Church of England school as Winchester itself. When the schemes were lately presented to Parliament embodying these results, Her Majesty's Government took a very unusual course. They had themselves accepted and promoted the reference to the Endowed Schools Act, and, having left the matter to the Commissioners, they were bound to abide by the result of it, even supposing that the Public School Commissioners had made some error in judgment. The Government might have induced Parliament to lay down that Harrow was or was not a Church of England school; but having chosen to refer this question to the Commissioners, they ought to have accepted the result even if they did not agree with it. I have tried to show your Lordships that it was completely right; but what was the course taken by the Government? Almost at the last moment, when it was too late for your Lordships' House to take any action in the matter, if you were so minded, a Motion was made to address the Queen to disallow the Harrow Statute as regarded this qualification of the Governors, that they should be members of the Church of England, and Her Majesty's Government gave their support to this Address, and accordingly the

Statute is to be disallowed. The general policy of such a course appears open to question. Upon the Commissioners is thrown the responsibility of making statutes, whilst Parliament reserves to itself the power of disallowing them in whole or in part. But the part so rejected may be the result of much consideration and of a compromise between existing interests. Parliament should either undertake the responsibility of framing the schemes itself, or else it should attach some weight to the labours of those upon whom the responsibility is thrown. It is impossible, therefore, for the Commissioners to think with satisfaction upon the course that Her Majesty's Government have adopted.

ISLE OF ALDERNEY—FORTIFICATIONS.

MOTION FOR A RETURN.

THE DUKE OF SOMERSET, in moving for a Return of expenditure incurred since the year 1850 on fortifications in Alderney, expressed his astonishment at the statement recently made by Opposition Members in the House of Commons that the harbour at Alderney was a harbour of refuge, and at the announcement made by Members of the Government that on the completion of the harbour fortifications would have to be constructed to defend it. The fact was that it was a military harbour, designed solely for the defence of the Channel, and the fortifications were constructed years ago, four or five forts being already completed, and eight batteries ready for arming. The works for the harbour and fortifications of Alderney dated back beyond 1850, and were strongly urged by the late Duke of Wellington and Lord Hardinge. It was thought by them, and by many other eminent naval and military authorities, that with Alderney on one side, and Portland on the other, the Channel would be made safe from hostile cruisers in the event of war. So far from circumstances having since occurred to render it less advisable to construct these fortifications at Alderney, they had become more and more expedient. Whatever was then doubtful was now favourable. The dimensions and increased power of our guns would enable us to pierce and destroy any ironclad that might enter the Channel. Lord Herbert, as Secretary for War, visited Alderney at his

(the Duke of Somerset's) instance when First Lord of the Admiralty. He himself inspected it three times, first with Sir John Burgoyne, next with Sir George Lewis, and afterwards with Lord Ripon. Eminent authorities accompanied him on each visit, and on each occasion it was decided that the harbour and fortifications should be maintained. It would have been madness to make a harbour for merchant shipping among rocks; but the Government, apparently misled by the name "harbour of refuge," had actually regarded it as such, and had handed it over to the Board of Trade. That Board might as well have been intrusted with the fortifications of Gibraltar or Malta. The work, no doubt, was originally undertaken to some extent out of jealousy of Cherbourg; but long after that jealousy it was still deemed advisable for the defence of the Channel. At a time when there was so much discussion as to the safety of our shores, and when imaginary invasions and defences were published, some little attention might surely have been paid to Alderney; but the harbour, it appeared, was to be abandoned, and he wished to know whether the fortifications were also to be abandoned? At one time the House of Commons decided on erecting forts at Spithead; but a year or two afterwards, in a fit of economy, they were stopped, and a heavy fine had to be paid to the contractor, but next year the works were resumed. The sea wall at Holyhead had suffered from similar vacillations, and at Dover something of the same kind had occurred. It might be right to give up the works at Alderney, on which a large sum of money had been expended; but it could not be right that the House of Commons should decide in ignorance of the facts, and under the impression that the forts had still to be erected. Unless as a military harbour, the harbour was good for nothing; but as a military harbour, it was of the highest value. He believed that with telegraphic communication between Portland and Alderney, and a strong naval force at Portland, it would provide efficient means of defending the Channel.

Moved, "That there be laid before this House, Return of expenditure incurred since the year 1850 on the Fortifications in the Isle of Alderney.—(*The Duke of Somerset.*)

The Duke of Somerset

LORD DUNSANY attributed the undertaking of the work to the mistaken impression that from Alderney one could look into Cherbourg. Its shallow water, strong tides, and sunken rocks, rendered Alderney an undesirable station for ships, and he doubted whether any useful purpose would be served by proceeding with the work.

EARL COWPER stated, in reply, that the harbour was handed over to the Board of Trade in 1866, the noble Duke himself being then First Lord of the Admiralty, and probably taking part in the transfer. Mr. Hawkshaw had made a rough estimate of the amount required to repair the damage done to the harbour by a recent storm; but the Government were waiting for a more detailed estimate, and it would then have to be considered whether it was worth while expending any more money upon it. The original Estimate for that part of the harbour already constructed was £620,000, but over £1,300,000 had been spent upon it; and six successive heads of the Department had made changes in the plan, which might partly account for the increased cost. The harbour consisted at present of a western breakwater only; but if it were to be made secure there must be an eastern breakwater, which would also cost a large sum. When completed it would be almost useless in an east wind, which was very violent at that spot, and would afford little safety even for a large ship. It was full of rocks, and was, indeed, the most dangerous spot in the Channel. £10,000 a-year would be required in perpetuity to repair breaches; while, according to a rough estimate, £250,000 would be required to prevent such breaches. It was a question how far it was wise to throw good money after bad, and whether the completion of an undertaking which everybody now condemned would prove a profitable investment.

LORD RAVENSWORTH said, it was most lamentable that so large a sum of money should have been expended on a harbour which was useless either for belligerent or commercial purposes, while there was so urgent a necessity for the construction of harbours of refuge on our northern and eastern coasts. The annual loss of property from shipwreck on our coast was estimated at £2,400,000, while the yearly loss of life was from 600 to 1,000.

Notwithstanding the recommendations of a Select Committee and of a Royal Commission, no action had been taken by the Government, though local enterprise had so improved the mouth of the Tyne and Hartlepool as to supply some of the exigencies of our commercial marine. A time would come when the increasing loss of life and property would induce some attempt to provide protection for shipping, and those who denied the value of such protection might as reasonably deny the value of a wayside inn to a benighted wanderer on a desolate moor.

VISCOUNT HALIFAX said, it was a mistake to suppose that the Government thought the harbour had been undertaken as a harbour of refuge for our merchant shipping. The reason why the first Vote was taken for it under the name of a harbour of refuge was lest the jealousy of the French should be excited, the intention from the first being that Cherbourg should be watched from Alderney.

EARL GREY said, he could not understand the conduct of the Government in this matter. They proposed a Vote for certain repairs of the harbour; but when that Vote came to be discussed it seemed to him that they practically condemned it, and consequently it was rejected by the House of Commons. He could not think that that was a right way of doing the business of the country. If it was proper to abandon Alderney—if we had spent our money upon it foolishly—we had better make an end of the expense, and it was the duty of Her Majesty's Government upon full deliberation to go down to the House of Commons and manfully make that declaration. If, on the contrary, they came to a different conclusion, and should be of opinion that, though originally it might have been a mistake to make this harbour, still as it had been made, it was advisable not to give it up, they ought to ask the House of Commons to vote the necessary repairs. He thought that in this matter they had evaded the proper responsibility that belonged to a Government. The course they had adopted was most fatal to the system of Parliamentary Government.

Motion agreed to.

RAILWAYS (IRELAND).

MOTION FOR RETURNS.

THE MARQUESS OF CLANRICARDE, on rising to move for certain Returns on the subject of Irish Railways, said, that respectable people of all classes in Ireland were unanimously of opinion that the Irish railway system should be placed on a different footing. The men of business in Ireland felt every day, and, he thought, wisely felt, that on the question of Irish railways they had been very much misgoverned. Since 1865 there had been meetings annually in Dublin, attended by the Members for the City, by members of Chambers of Commerce, by merchants and other men of business, to urge the placing of the system of Irish railways on a different footing. Similar meetings had been held in Belfast, Londonderry, Waterford, Cork, Limerick, Galway, and other towns that were equally anxious on this subject. The counties also had taken part in the movement. The landlords felt that the Irish railway system was not suited to the country, and that great improvements might be made in it without any loss to the National Exchequer. The wish of the people was not to get public money—all they desired was that the policy of 1844 should be put into practice with regard to Irish railways. The Government had more than once listened to representations from Irish railway companies, and considerable sums had been granted, which had gone in a wrong direction, because it had gone to prop up a bad system. Nothing was more likely to induce the Irish people to join what was called the National party, and to advance the views of the Home Rule Association, than to lead them to think that the material interests of their nation were neglected, and it was impossible to say that the material interests of Ireland were properly attended to, when the question of the Irish railways was treated in the way in which it was at present.

Moved that there be laid before this House,

Return of the various corporations, boards, and other public bodies in Ireland, including meetings of counties and towns convened by lawful authority, which have expressed to the Irish Government or to the Treasury their desire for an alteration of the present system of management of the Railways of that country since the first of January 1866:

Also, Copy of a Memorial on the same subject, signed by many Peers and Members of the House of Commons, and presented to the Treasury.—*(The Marquess of Clanricarde.)*

THE DUKE OF ABERCORN expressed the satisfaction he felt at the noble Marquess having brought forward this subject, which he regarded as being of the greatest importance to Ireland, and one which had attracted considerable attention in that country of late years. It was one of those questions—unfortunately so rare—from which all party and political feelings were excluded. It had been conclusively shown that it would be of the greatest advantage to Ireland if a comprehensive scheme with respect to the railways of that country were taken in hand by the Government, and he hoped it would be taken into their serious consideration.

LORD DUFFERIN said, he did not suppose that the noble Marquess expected him to enter on this occasion into a statement of the views of the Government on the whole question; and he was sorry to say that it was impossible to comply with the first part of the Motion, because as the various Memorials and papers of that kind, presented from time to time to successive Lords Lieutenant of Ireland, had not been regarded as of an official character, but had been dealt with as other less official correspondence, the documents moved for were not in the hands of the Irish Office. As to the second part of the Motion, relating to the Memorial presented to the Treasury, he was instructed to state that the Department had considerable objection to the practice on a Motion in either House of Parliament of directing the printing of Memorials of this description. That document was a very lengthy one, and the printing would, of course, involve considerable expense. For these reasons, he regretted that the Government could not consent to the Motion.

THE MARQUESS OF CLANRICARDE replied, and the Motion

On Question? *Resolved in the Negative.*

House adjourned at a quarter before Seven o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 7th July, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Juries (Ireland)** [231].
Committee—Elections (Parliamentary and Municipal) (*re-comm.*) [103]—R.P.
Third Reading—Public Schools Act (1868) Amendment* [204]; Dean Forest and Hundred of Saint Briavels* [190], and *passed*.

The House met at Two of the clock.

ARMY—ROYAL WARRANT FOR PAY. QUESTION.

COLONEL NORTH asked the Secretary of State for War, When the Royal Warrant for Pay, &c. (Part 3), referred to in the Queen's Regulations and Orders for the Army in the Edition of January 1, 1868, will be furnished to regiments?

CAPTAIN VIVIAN: Sir, a new department for the control of travelling expenditure has been created under the Surveyor General of the Ordnance. The whole subject of travelling allowances has been under careful consideration, and it is hoped that the part of the Royal Warrant which refers to these allowances will be ready in a short time.

POOR LAW REMOVAL.—QUESTION.

MR. G. BENTINCK asked the President of the Poor Law Board, Whether it is intended to take any steps to prevent illegal orders of removal; and, whether it is intended to amend the Act 9 & 10 Vic., c. 66, s. 6?

MR. STANSFELD said, in reply, that strictly speaking illegal orders of removal were almost an impossibility. When an order for removal was granted it was something in the nature of a rule *Nisi*, notice being served on the Guardians to whom it was proposed to remove the pauper, and time being allowed for them to appeal against the order to the Court of Quarter Sessions. The 6th section of the Act referred to in the Question did not refer to orders of removal, but to arrangements for removal with reference to chargeability. He had referred to the section and found it extremely comprehensive. He did not see how it could be made more comprehensive or strict; but if the hon. Gentleman had any special case in his mind

perhaps he would be good enough to communicate with him about it.

COMMERCIAL TREATY WITH FRANCE. QUESTIONS.

MR. NORWOOD asked the First Lord of the Treasury, Whether there is any negotiation pending with the French Government as to a modification of the Commercial Treaty between this Country and France; and, if answered in the affirmative, whether he is in a position to give an assurance to the House that the Government will not assent to any diminution of the period of twelve months' notice for the termination of the present Treaty, as specified therein?

MR. GLADSTONE: Sir, I am not able to say that at present there is any negotiation between the two Governments in the stricter sense of the term. But there have been some verbal communications both in Paris between M. Thiers and Lord Lyons, and in London between Earl Granville and the French Ambassador. A law has been passed in France which imposes upon certain imports into that country duties higher than the duties imposed by the Treaty of 1860, and that law likewise contains other provisions which are undoubtedly of a nature to affect unfavourably the commerce between the two nations. The French Government, I need not say, admits in the fullest character the binding character of the Treaty, and its obligation to bring about a conformity between the stipulations of the Treaty and what they conceive to be the exigencies of the present condition of France. We have reason to expect we shall shortly receive from the French Government in a more formal shape than mere conversation overtures stating the different alternative methods of procedure, and making some proposals on the subject of this Treaty. At present I think my hon. Friend will not expect more than an assurance that we shall take no steps without anxious consideration, that we shall desire to communicate the earliest information both to Parliament and the country, and that we shall bear specially in mind the effect of any proposal which will be made not only upon commerce at large, but especially upon the current transactions of commerce.

MR. HERMON asked, whether the article of coal was likely to be affected by the new proposal?

MR. GLADSTONE: I should not be justified in giving an answer on the subject of any particular commodity at the present moment, inasmuch as we have nothing before us but verbal statements.

LORD JOHN MANNERS asked, whether they were to understand that no future Treaty obligations would be entered into before the House had had an opportunity of discussing the terms of the Treaty?

MR. GLADSTONE: I do not think I can go beyond the terms of the answer already given, when it is considered that the Government do not really know at this moment what the Government of France will suggest.

MR. NORWOOD said, he wished to explain that he had put the Question because he knew that many mercantile men had formed contracts with France which would extend over many months, and the result of any alteration might be very serious to them unless care was taken that they should not suffer.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (re-committed) BILL.—[BILL 103.]

(Mr. William Edward Forster, Mr. Secretary
Bruce, The Marquess of Hartington.)

COMMITTEE. [*Progress 6th July.*]

Bill considered in Committee.

(In the Committee.)

Nomination and Election.

Clause 2 (Regulations as to election and nomination of Members).

MR. CAVENDISH BENTINCK, in rising to move in page 1, line 12, after "every," to leave out "Parliamentary and," said, that with reference to the meeting of Government supporters which had been held yesterday, he must characterize it as an attempt to transfer the power and authority of that House to a section of its Members, and he thought it was an additional reason tending to prove the necessity of adopting the Amendment before the House. The hon. Gentleman the junior Member for Brighton (Mr. Fawcett), speaking last year on a similar measure to the present, attributed the change in the opinions of some of the occupants of the Treasury bench on this subject to party exi-

gencies. It certainly did appear that the determination to proceed with the present measure at so late a period of the Session must be attributed also to party exigencies. The measure had been introduced in a form so crude—

MR. VERNON HARCOURT rose to Order. He asked whether, on a clause referring to a particular mode of nomination, it was open to the hon. Member for Whitehaven to discuss the whole question of the Ballot, and the conduct of Her Majesty's Government?

THE CHAIRMAN said, that the clause related to nominations, and the Amendment arose especially on the words which related to nomination. He hoped, however, the hon. Member for Whitehaven would strictly confine himself to the question.

MR. CAVENDISH BENTINCK said, he observed that the supporters of the Government had placed on the Paper no less than 106 Amendments, and the Government yesterday called a meeting of their Friends, and the Report of the proceedings appeared so extraordinary that he wished to know whether it was accurate or not?

MR. SERJEANT SHERLOCK rose to Order. He asked, whether it was competent for the Committee to entertain the question of what passed at a meeting held yesterday?

THE CHAIRMAN said, he could not tell yet how the hon. Member for Whitehaven, who had just begun his observations, would connect them with the subject of his Amendment.

MR. CAVENDISH BENTINCK then resumed, and said, that at the meeting alluded to the right hon. Gentleman (Mr. Gladstone) was reported to have said that—

"The proceedings of Tuesday were unusual and unprecedented in Parliamentary history and he recommended little speaking, and that the Amendments should be left in the hands of the Government and the right hon. Gentleman in charge of the Bill."

And then came the most important statement, alleged to be made by the right hon. Gentleman the Vice President of the Council, which he was sure every hon. Gentleman present would forgive him for alluding to, because it was only fair that the right hon. Gentleman should have an opportunity of explaining himself—the right hon. Gentleman was reported to have said that—

Mr. Cavendish Bentinck

"It would be injudicious for the supporters of the Government to withdraw their Amendments, lest they should be seized on by the opponents of the Bill."

He was happy to give him an opportunity of denying having recommended resort to such a subterfuge as that would be. He never could believe that the responsible Advisers of the Crown would endeavour to throw the responsibility of carrying that measure through the House on an irresponsible body assembled in a hole-and-corner meeting. Never before in the Parliamentary history of this country had the responsible Advisers of the Crown endeavoured in such a way to control the conduct of hon. Members in that House. The result would be that if the Bill were carried in a mangled form it would not give satisfaction even to its supporters. Was it to be supposed that 106 of his own supporters would be satisfied with the Bill when the Amendments which they deemed necessary to the Bill were withdrawn? As the hon. Member for Brighton (Mr. Fawcett) said, there were principles in the Bill more important than the Ballot. The *mot d'ordre* of what was called the Liberal party appeared in the Liberal papers—"Pass the Bill with all its faults, and amend it next Session." What would be the consequence? Next Session would be wasted in discussions, and the expectant country would be dissatisfied. He (Mr. C. Bentinck) represented a constituency in which the Ballot prevailed in regard to municipal elections, and what he would advise was, that the right hon. Gentleman should adopt the Amendment of which he had given notice. Let him strike out the words "Parliamentary and," and then the Bill would become simply municipal. Let it then be tried at the next municipal election, and if the Ballot was conducted generally in the same mode as in the constituency he had the honour to represent, he did not think there would be found much difference in the result. Before concluding, he would give a humble warning to the right hon. Gentleman (Mr. Gladstone), who had told them, in very strong language, that their conduct was unprecedented in the history of Parliaments, accused them of obstructing the Bill, and threw out hints that if the House of Commons was not submissive he would propose to change its whole mode of procedure. The only

parallel he could think of for the right hon. Gentleman was Xerxes. Xerxes was a man of great power; Xerxes had a policy; and Xerxes was at the head of a "mechanical majority." But the mechanical majority was not sufficient to carry into effect the policy which Xerxes projected when the winds and waves rose against him; therefore Xerxes ordered the winds and waves to be put in chains. The right hon. Gentleman called his supporters together in order that he might gag them, and he evidently wished to place the House of Commons in moral chains. But arbitrary power would not go down in this country; and, as respected the House of Commons, though there might be less intellect and independence in that House than in its predecessors, there was the true spirit of English liberty, and if the right hon. Gentleman attempted to trample on their liberties and privileges, he would share the fate of Xerxes, and would meet with disdain, defeat, and discomfiture. The hon. Member concluded by moving in line 12, after "every," to leave out "Parliamentary and."

MR. CHARLEY, in supporting the Amendment, said, it was admitted that the Ballot was only a choice of evils, and therefore they should proceed cautiously. He thought the experiment which had been made in regard to the school board elections was insufficient and not satisfactory. The elections in the Parliamentary boroughs throughout the country were characterized by noise, while that in the City of London, which was open, passed off in complete tranquillity.

MR. W. E. FORSTER said, he was glad of the opportunity afforded by the reference of the hon. and learned Gentleman the Member for Whitehaven (Mr. C. Bentinck) to the meeting yesterday of saying a few words; and before doing so, would state that it was not at all his intention to go into the comparison of his right hon. Friend the Prime Minister to Xerxes, any more than he should institute a parallel between the hon. and learned Gentleman and Leonidas or Miltiades. It was not unusual that meetings of hon. Members who supported the Government should be held; and he might refer to the undoubted fact of such meetings having been very common during the continuance in office

of the Government of which the hon. and learned Gentleman himself was a supporter. He did not, however, think it was very desirable that such meetings should become matters of discussion in that House. The hon. and learned Gentleman had made a statement for which, perhaps, there was some colour in the reports which appeared in some of the journals. At the same time, he (Mr. Forster) must be allowed to say the quotations which the hon. and learned Gentleman had made were not characterized by the usual accuracy of reports in the morning journals. He certainly did not say, and never intended to say, what the quotation read by the hon. and learned Gentleman had attributed to him. What he did say, and what he was very glad to have the opportunity of repeating, was that on this measure, as on all important measures of the kind, he should be very glad if any supporter of the Government, desiring to bring forward Amendments, or, indeed, any other hon. Member, favourable to the Bill and anxious to improve it, would communicate with him to see how far the Government could concur in any Amendment proposed. He thought it certainly was not desirable that the Amendments which appeared on the Paper should be withdrawn until reference had been made to him, as having charge of the Bill, to see how far they could be accepted; but, he repeated, he never meant to say, and he did not believe he had said, that the Amendments should be kept on the Paper in order to mislead hon. Members opposite. That, however, was not the only mistake in the report, for he found a little lower down it was stated that he had said—"he wished hon. Members would see the necessity of talking little, or, if they did, of talking very briefly." What he said was that he was afraid he should be obliged to talk often; but, as he should talk often, he would be as short as possible. With regard to the Amendment, he had serious doubts whether the hon. and learned Gentleman meant to press it, for the chief object of the Bill was the amendment of procedure at Parliamentary elections, though it was also thought desirable to include within its provisions municipal elections; and he could conceive nothing more ridiculous than the position they would occupy in the country when it was heard that they intended to confine

themselves to municipal elections. There was a division the previous evening on the principle of the clause, which was the abolition of open nominations. Now, there were no open nominations in municipal elections, and they would thus, in adopting the Amendment, contradict the vote of last night. He could not sit down without expressing his delight that the hon. and learned Gentleman had been partially converted to the Ballot, and he had no doubt that, having got as far as municipalities, he would go still farther.

MR. LIDDELL said, that if we were to try the Ballot it would be better to do so in the smaller area first. There was nothing at all absurd in the Motion of his hon. and learned Friend, and he would give it his support.

LORD JOHN MANNERS said, he thought the right hon. Gentleman the Vice President of the Council ought to be very much obliged to his hon. and learned Friend (Mr. C. Bentinck) for giving him the opportunity of correcting the report which had appeared in the columns of one of the papers usually supporting Her Majesty's Government. He had thus been enabled to put himself right with reference to a statement which, it could not be denied, would, if uncorrected, have left him in a very unfavourable light; and he would not have occupied that position in the public mind which his conduct in the House had hitherto amply justified. With reference to the meeting, the subject of the report, the right hon. Gentleman at the head of the Government not many years since protested against such meetings when held by the Conservative party, although no such abnormal Resolutions had been come to as were reported to have been arrived at on the present occasion. With regard to the Motion of his hon. and learned Friend, he thought it a very fair and proper one to restrict voting by Ballot to municipal elections, which were held every year within a much smaller area than Parliamentary elections, and where it was supposed the system of voting by Ballot would prevent bribery.

COLONEL BARTELOT said, he should support the Amendment unless he had an assurance that the municipal boroughs were to be tarred with the same brush as the Parliamentary boroughs, and therefore he was anxious that the right hon. Gentleman the Vice President of

the Council should proclaim what he meant to do.

MR. W. E. FORSTER said, the clause related solely to nominations, and to strike out the word "Parliamentary" would stultify the division of last night on the Amendment of the hon. Member for Dorset (Mr. Floyer). He thought they must discuss the clauses of the Bill as they would those of any other Bill, and consider the question actually before them. There was this great difference between Parliamentary and municipal elections at present, that in municipal elections only was there no open and public nomination, and, consequently, the argument of last night did not apply to municipal elections.

MR. BERESFORD HOPE said, he considered the conversation which had taken place a justification for the reference made to what passed in another place yesterday. These speeches had been invested with not merely a public, but absolutely a formal character, and he was disappointed, after the right hon. Gentleman the Vice President of the Council had repudiated any attempt to gag hon. Members on that (the Ministerial) side of the House, to find that they went on keeping silence when this very important measure was in progress. He saw nothing trivial in the Amendment, for our municipalities must not be treated as contemptible institutions. Why should the Government object to cutting down this Bill, after treating another measure in the same manner a short time ago? The whole question of the Ballot was tentative.

THE CHAIRMAN said, he must remind the hon. Member for the University of Cambridge that the clause related to nominations, and did not involve the Ballot.

MR. BERESFORD HOPE said, he would submit to the ruling of the Chairman, and argued that the whole of the proposed system of elections and nominations was tentative. It was first tried by the school boards last year, and it was proper that they should proceed with it step by step. If they were to consider the Amendment in its spirit and not in the letter, he was sure the Chairman would see accorded to them a generous latitude. The Amendment was the first of a series dealing with all the provisions of the Bill; and unless they were allowed some latitude the matter would

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be put in a false issue. Parliamentary and municipal elections must be treated on distinct grounds; and therefore while he had voted with the majority last night he could consistently support this Amendment.

COLONEL BERESFORD said, he was at a loss to understand how the hon. Member for the University of Cambridge, after his vote of last night, could support the Amendment. He considered that by last night's division they had got a bad bargain, and that they had nothing to do but to make the best of it to facilitate the passing of the Bill. The right hon. Gentleman (Mr. W. E. Forster) had always evinced such a kind and considerate spirit as entitled him to be met in the same manner; and for that reason he should vote for the clause.

MR. NEWDEGATE said, the Amendment of his hon. Friend the Member for Whitehaven (Mr. C. Bentinck) was perfectly consistent with the order of the debate, because it struck at the principle of the Bill, which was throughout secrecy at elections. He must express the gratification he felt at seeing that the Press would not lend itself to the privacy of a meeting which was intended to control the legitimate action of the House and to support the declaration of Ministers that they would seek an alteration of the forms of the House in order to control its proceedings. It was to be regretted that the Ministry, after assenting to the appointment of a Committee on the forms of the House, should have deferred for weeks the consideration of the Report of that Committee, and then have deferred the consideration by the House of the Resolutions which the Chancellor of the Exchequer had placed on the Notice Paper. As allusion had been made to yesterday's meeting, he wished to make a few remarks on the subject. To himself personally the announcements in the newspapers with respect to the proceedings at that meeting were extremely gratifying. When he rose last evening to make his Motion almost all the supporters of the Government left the House, and but for the explanation which the newspapers had since given he might have supposed that that was a reflection upon himself. The strange phenomenon was now explained. It appeared that the First Minister of the Crown, in conjunction with another Minister of the Crown, had called a

meeting of hon. Members for the purpose of controlling that House, and, if necessary, altering its procedure, in order to meet the convenience of the Ministers of the Crown. The subject was so large and so grave that he did not intend to allude to it further on the present occasion; but he could not refrain from remarking that the meeting of yesterday would be an evil precedent, that it was condemned by the whole history of Parliament, and that if the conduct of hon. Members on the opposite side of the House in preserving an unnatural silence and withdrawing their Amendments at the dictation of the Ministers of the Crown were persevered in, it would be the duty of some hon. Member to call the attention of the House generally to what appeared to him to be a conspiracy.

MR. MUNTZ said, that having been honoured with an invitation to the meeting, he thought it only fair to the right hon. Gentleman the Prime Minister to state that there had not been the slightest attempt at coercion or dictation on his part. The right hon. Gentleman made some admirable suggestions, and gave some excellent advice, which might be advantageously followed by hon. Members on the other side of the House. It was to the effect that at this late period of the Session it would be advisable to curtail speeches as much as possible, and also that Amendments which were unnecessary should not be pressed. Many Members of that House would like to advise that unnecessary Amendments should not be proceeded with, and he saw nothing of dictation in what had occurred, for other Prime Ministers had frequently thought proper to call the Members of their party together.

MR. J. G. TALBOT said, as he had not been honoured with an invitation to the meeting referred to by the last speaker (Mr. Muntz), he would confine his observations to the Amendment before the Committee. He disliked the principle of secret voting, and hoped the House would proceed tentatively in this matter. If they applied this system to Parliamentary elections, it would follow as a logical consequence that this Parliament would stand self-condemned. For if it was impossible to conduct an election freely with open voting, then this present Parliament had not been freely elected, and they ought to have an immediate dis-

[Committee—Clause 2.]

solution. That, he was sure, was not desired, and he thought it would be unwise to shake the confidence of the country in the present House of Commons. Therefore, he would suggest that the right hon. Gentleman the Vice President of the Council should make that a tentative measure, and then, if the system was found to be successful in municipal elections, it could toward the close of the term of the existing Parliament be applied entirely.

MR. G. B. GREGORY said, he objected so strongly to the principle of the Ballot that he could not support the Amendment, which would recognize the principle in respect of municipal elections. That Bill did not touch the real evils of the municipal election system, which arose in a great degree from the yearly contests.

MR. J. FIELDEN thought the right hon. Gentleman should at once inform the Committee whether he intended to give way on the question of municipal elections.

MR. STAVELEY HILL said, he valued tranquillity at elections, and he therefore could not vote for the Amendment.

MR. CAVENDISH BENTINCK said, he must protest against the argument of the right hon. Gentleman the Vice President of the Council, that the adoption of the Amendment would stultify the Committee after the division of last night. Although the Amendment proposed by the hon. Member for Dorset (Mr. Floyer) was rejected, the clause stood exactly as it was in the first instance; and it was quite competent to any hon. Member to propose an Amendment.

Amendment negatived.

MR. JAMES, on rising to move the Amendment of which he had given Notice, explained that it would in no way affect the application of the Ballot to municipal voting. There had been no complaint against the Act of 1859, under which municipal nominations were at present carried on, and if this Bill were made to apply to them they would have as many as 160 persons attending as nominators, instead of one person for each candidate sending in a written paper. It was simply on the ground of the greater quiet which attended the present mode that he proposed to leave out in

page 1, line 12, the words "and municipal." He trusted the Government would accept the Amendment; and if not, that the Committee would give its opinion upon it.

MR. GOLDNEY said, he thought the Parliamentary and municipal elections should stand on a similar footing, and he hoped Government would maintain the position they had taken up in the Bill, which seemed to be exceedingly well received.

MR. ASSHETON CROSS said, the law, as it now stood, worked very satisfactorily, as compared with the previous state of things. When the matter was under discussion in 1859 there was no one who opposed nomination by a written paper more than the right hon. Member for the Tower Hamlets (Mr. Ayrton), on the ground that it was secret nomination, and he was supported by the right hon. Gentlemen around him. The only complaint that had been made against the present Act was, that it had worked so easily that a great many persons were nominated almost in joke, and a large number of contests ensued. He hoped the Government would adhere to the Bill as it stood, for it would prevent vexatious nominations; and though he was the author of the Bill of 1859, he should have no objection to see it improved by the Government measure.

SIR THOMAS BAZLEY, who had also given Notice of an Amendment in the same terms as those of the hon. and learned Member for Taunton (Mr. James), said, he hoped that Government would concede the very moderate Amendment which had been proposed.

MR. W. E. FORSTER said, he thought it would be advisable to adopt the Amendment. What he had heard from different parts of the country convinced him that the balance of argument was in favour of leaving municipal nominations where they were, at least for the present. It might be desirable to take greater precautions against sham nominations; but the rules they were laying down for Parliamentary nominations would be too stringent for municipal. To require ten nominators in the case of municipal elections would be more than was necessary. There might be an advantage in having two kinds of written nominations side by side, and if it were found hereafter that the balance of ad-

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vantage was on the side of Parliamentary nomination it might be extended to municipal. He was quite ready to acknowledge that he was anxious in passing this Bill not to do more than was necessary. He considered it necessary to alter the nomination in Parliamentary elections; but he did not consider there was any urgency at present to alter the mode of municipal elections.

LORD JOHN MANNERS said, the argument of the right hon. Gentleman the Vice President of the Council appeared to be of a very alarming character. According to the right hon. Gentleman, the existing system of municipal nominations might remain as it was, at any rate for the present. What were they to gather from that but that this Bill was not to be a settlement of the question, so far as municipal elections were concerned, and that it would be open to the right hon. Gentleman to reconsider the question next year or the year after? There might be some weight in the argument that the nominators would be too many; but the time to remedy that inconvenience was when they should come to the sub-section of the clause, and then it would be competent for the right hon. Gentleman to move that the number be reduced from 10 to 5. He regretted that the Government had not thought fit to stand by the Bill as originally introduced, instead of so hastily assenting to the Amendment now proposed.

MR. HERMON said, he was also sorry that Government had assented to the Amendment. When the nomination was left to one a person was entirely at his mercy; but when five or ten people were required to assent to a nomination, no one was exposed to inconvenience or annoyance.

MR. GOLDNEY said, that if the Amendment was passed, alterations would be rendered necessary throughout the whole of the Bill.

MR. J. LOWTHER, with reluctance, said, he felt bound to object to the omission of any word contained in this Bill. The concession, if he might so term it, now made, justified them in asserting that this measure had not been fully discussed, and that it was an ill-considered scheme framed for the purpose of carrying out preconceived crotchets, and one in no way suited to the spirit of the times.

MR. SPENCER WALPOLE said, he could not perceive a single reason for drawing a distinction between municipal and Parliamentary elections.

Amendment negatived.

COLONEL BERESFORD proposed in page 1, line 16, sub-section 1, after "election," to insert—

"And shall send to every elector on the register a notice in print, either on a card or other form apprising the elector of his number on the register and of the polling station where he is to record his vote at least two clear days before the poll takes place."

He thought that the issuing of such cards by candidates to electors would be of great service, and get rid of a good deal of expense to candidates.

COLONEL BARTELOT said, he trusted that the Government would oppose this Amendment. He presumed that his hon. and gallant Friend the Member for Southwark wished these expenses to be thrown upon the rates. But every man should stand upon his own bottom, and not ask others to pay his necessary expenses, because the effect of such a proposal could only be to lead to a multiplication of candidates, many of whom would have no connection by business or anything else with the constituency they desired to represent.

MR. W. E. FORSTER, without presuming to advise hon. Gentlemen how they should stand, said, there was a doubt whether the cards would not get into the wrong hands, and increase the danger of personation, and what was the most conclusive objection was, that considerable power was given to the returning officer and other officials of sending to some and not sending to others. On that account he could not accept the Amendment.

Amendment, by leave, withdrawn.

MR. GOLDNEY proposed to insert in page 1, line 16, the addition of the words, "and of the day on which a poll will be taken in case the election is contested," and said, the effect of the Amendment would be to require the returning officer to give notice of the day of the poll in the case of a contested election.

Amendment agreed to.

COLONEL BERESFORD moved, in page 1, line 17, sub-section 2, to leave out "two" and insert "four;" and in

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line 19, to leave out "one and five in the afternoon," and insert "twelve noon and four in the afternoon."

MR. W. E. FORSTER objected to the first part of the Amendment, but would accept the second.

First portion of Amendment *negatived*; second portion *agreed to*.

MR. CHARLEY proposed, in page 2, line 8, after "seconder," to leave out the words, "and by eight other duly qualified electors as assenting to the nomination of the candidate," and to insert the words "and countersigned by the candidate." His object was to prevent its being known how these persons would vote, and also the nomination of a candidate without his own consent.

MR. HEYGATE thought the latter portion of the Amendment useful, as it would secure a *bonâ fide* candidatureship; but he could not agree to the omission from the clause of the words requiring eight duly-qualified persons to be present at the place of election as assenting parties to the nomination.

MR. BERESFORD HOPE hoped the Committee would not accept the Amendment; the clause, as it stood, giving some security against sham candidates.

COLONEL BARTTELOT said, he hoped the right hon. Gentleman the Vice President of the Council would adhere to the words of the Bill. The candidate might be abroad at the time of his nomination, and it would be impossible for him to countersign it.

MR. W. E. FORSTER hoped the hon. and learned Member for Salford (Mr. Charley) would not press his Amendment, and on the ground stated by the hon. and gallant Member (Colonel Barttelot).

SIR EDWARD COLEBROOKE said, that persons signing the nomination paper was no proof that they intended to vote for the candidate. They might afterwards vote against him without being detected.

COLONEL BERESFORD said, he thought there should be a written authority to nominate a candidate.

MR. CHARLEY said, he would withdraw the first part of the Amendment; but he understood a wish had been expressed that the opinion of the Committee should be taken on the second portion of it.

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MR. R. N. FOWLER said, before the second portion was reached, he had an Amendment on the Paper to "leave out sub-sections 5 to 10, inclusive." He had no intention of dividing the Committee upon it.

Amendment proposed, in page 2, to leave out from the words "At the time," in line 3, to the word "thereof," in line 36, both inclusive."—(*Mr. Robert Fowler.*)

MR. VERNON HARCOURT said, he had no desire again to raise a discussion on the question of open nominations. Open nominations were objected to on the ground that the show of hands led to corrupt practices; but he hoped, notwithstanding the division last night and the large majority who voted for the abolition of nominations, the Government would consider whether some provision might not be introduced for giving a public opportunity to the electors of seeing and hearing the candidates who sought their suffrages. He quite admitted the objection to nominations and the show of hands so far as they professed to be what they were not—namely, elections; but a good deal of disappointment would be felt in constituencies if all opportunity of seeing their candidates were taken away from them. He would press on the attention of the Government the desirability of keeping what was good in the present system, and of getting rid of the bad, by keeping the public nomination, but forbidding the show of hands. The constituencies had been so long in the habit of seeing and hearing the candidates on the day of nomination that they might carry paper elections too far, and become what Mr. Shandy condemned as "too hobby-horsical" on this question. He admitted that physical inconveniences occurred at elections; but public men were accustomed to the rough air of the hustings in this country. The constituencies liked to see the horses trotted out and witness the preliminary canter of the race, and form an opinion of the horses themselves. He should be sorry to see such elections as those which took place in the Vatican, when the Conclave met to elect the Pope. There were 2,000,000 of voters and 3,000,000 of non-voters, and the only opportunity the latter had of taking part in an election was on the day of nomination. The candidates might

have private meetings, it is true, but they would not adequately supply the place of public nomination. He hoped the Government would fully consider the matter.

SIR EDWARD COLEBROOKE said, he entirely concurred in the views expressed by his hon. and learned Friend the Member for Oxford. The knowledge that there was to be a nomination day would tend to keep candidates in check while they were holding their private meetings prior to the election, and he might add that they had heard much better speaking on the hustings than at those hole-and-corner assemblies.

MR. HENLEY said, he thought the consideration of this clause showed how inconvenient the course pursued by the Committee might probably be. He represented a county which returned three Members to Parliament. Suppose, then, that six candidates stood for the three seats; 10 electors would accompany each candidate to the meeting, and that would make 60. Then there was the returning officer and all his crew. Each candidate would have the right to introduce one person, and as many more might be admitted as the returning officer thought fit. It would be a pleasant thing for the returning officer to say how many he would let in and how many he would keep out, and it would require a nice convenient room to hold 70 or 80 persons, especially if they were lively. There would be something very like a public meeting after all. Somebody must be there to back up the proposers and seconders, and he could not help thinking it would be a great advantage to have everything public, for he believed no inconvenience would result if it were enacted that there should be no show of hands, which, after all, was the cause of all the rows.

MR. WALTER said, his hon. and learned Friend the Member for Oxford (Mr. V. Harcourt) who had revived this question seemed to have forgotten that the nomination was merely the old constitutional mode of ascertaining the opinion of the electors. The sheriff in a county, and some other official in a borough, convened a meeting for the purpose of returning a Member to Parliament, and that was what they called the nomination. Candidates were nominated, and after they had addressed the constituency a show of hands was taken. Such was the old constitutional mode of

deciding an election, and unless a show of hands were taken, which, after the introduction of secret voting, would be an absurdity, there could be no object in the nomination at all. The whole object would be gone, and he could not see why the candidates should be brought together at great inconvenience, especially in large counties, where they could address only a limited number of their constituents, for the purpose of making speeches which could lead to no result whatever. He thought they were giving up a great deal in giving up public nominations. Undoubtedly they were entering upon a new course, of which they did not see the end; but if hon. Members were prepared to adopt the Ballot in this wholesale manner they must take the consequences. They could not give up the advantages of public voting, and at the same time retain the advantages of public speaking at nominations. It was impossible to retain the old-fashioned open nomination in conjunction with secret voting.

MR. W. E. FORSTER said, that the question was whether the Amendment of the hon. Member for Penryn (Mr. R. N. Fowler) should or should not be negatived. He (Mr. Forster) did not think in framing a short Act for the purpose that it would be at all easy to recognize the right of public meetings without also recognizing the practice of a show of hands. He would be glad to receive any suggestion on the subject before the Report was brought up, but he thought it would not be easy, if the meeting were public, to prevent a show of hands being taken, as somebody would be almost sure to insist that that should be done. The clause would not fairly bear the interpretation put upon it by the right hon. Member for Oxfordshire (Mr. Henley), that it would produce a public meeting after all.

MR. LIDDELL said, the returning officer might, if he chose, let everybody in the county or borough attend the meeting, a course quite inconsistent with tranquillity and order. Besides, this was a great responsibility to put on a single individual, and as such he objected to it, and when the time came should move the omission of the words from the clause giving that officer such a discretion.

COLONEL BARTTELOT said, he thought what the Committee did last evening would

give great dissatisfaction to the country. The people, if appealed to, would emphatically pronounce against the abolition of nominations. The large majority last evening did not represent the public opinion of the country, but their individual sentiments, as to the inconvenience of public nominations. It was not surprising that the right hon. Gentleman who had charge of the Bill for establishing secret voting should have felt it incumbent upon him to have a hole-and-corner meeting for the nomination. The two things went hand in hand. He believed that the public would soon feel extremely sorry at the introduction of the Ballot into their electoral system.

MR. BEACH said, he was of opinion that the nomination of candidates produced riots and disturbances at elections, and therefore he was in favour of abolishing the practice.

SIR LAWRENCE PALK said, he believed the doing away with nominations would be most unpopular, and that was the reason why he gave it his support, because the Ballot would thereby be brought into disrepute.

MR. J. G. TALBOT said, if he thought that by the abolition of public nomination the candidatures would be made secret he should be the last to support it; but his experience had led him to a different conclusion. Nominations were simply occasions for public riots and disturbances. Candidates had the best opportunity of showing themselves when they were engaged in their preliminary canvass. However much he disliked the Bill, he should support the principle of doing away with the practice of nominations.

MR. NEWDEGATE said, he supported the Amendment, on the ground that if public nominations were done away with candidates would be liable to be entrapped at private meetings, where a disturbance would assume a much more serious character. He had witnessed many nominations at which there were no riots or disturbances whatever. All the disturbances he had ever witnessed had occurred at meetings held previous to the nominations. It was his firm conviction that they would not be able to satisfy the people without allowing them to see the candidates.

SIR HARRY VERNEY thought that those nominations led frequently to the

correction of political misunderstandings. He trusted that that opportunity for publicity would never be done away with.

MR. STAVELEY HILL suggested the omission of the words from the clause, "And no other person except with the sanction of the returning officer." The clause would then provide against the contingency of hole-and-corner meetings.

SIR RAINALD KNIGHTLEY, speaking from his own experience, said, nominations were always carried on in dumb show. He could not see that they were of any use whatever.

SIR STAFFORD NORTHCOTE said, that if public nominations were abolished, there might be some danger of riotous meetings being held on the very day they wished to keep most quiet, the day of polling, as the electors would probably insist on seeing their candidates nominated in some way or other. If the promoters of the Bill should put an end to the practice of public speaking on the day of nomination, public meetings would probably be held on the same day in reference to the election, at which disturbances would occur.

SIR FREDERICK HEYGATE held that a great proportion of the abuses which made nominations objectionable might be cured with proper care.

MR. R. N. FOWLER said, he wished to know whether the representatives of the Press were to be present at the nomination meetings. In his opinion the candidates ought to have the opportunity of speaking in the presence of those gentlemen. As the clause stood at present, it seemed as though the returning officers could exclude or admit the representatives of the Press at their pleasure.

SIR GEORGE JENKINSON said, he thought that great evil was likely to arise from these sub-sections in their present form. There were, no doubt, evils attendant upon public nominations, but there would be greater evils in doing away with them. At public nominations candidates with straightforward views, who said what they meant, and meant what they said, always acquired an advantage over those who had no particular views, or who could not enunciate their views if they had any. In his opinion there was, as a rule, greater rioting at the declaration of the poll than at

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the nomination of the candidates. Under the proposed sub-sections the expenses of elections were to be thrown upon the ratepayers, and no questions could be publicly asked of the candidates. These things would tend to increase the number of the candidates, because persons would be put to no expense by becoming candidates. The secret system opened the way to great abuses. If a certain limited number of people were to sit for two hours in a room together, what was to prevent a third candidate, a mere man of straw, from being put in nomination in the meantime, and the two *bond fide* candidates from retiring to a corner and agreeing among themselves that they would give the man a sum of money to withdraw? A great encouragement would be given to sham candidates by the adoption of this sub-section, and therefore he should vote against the abolition of public nominations.

MR. W. N. HODGSON said, he had opposed the Ballot since he entered the House, and would pursue the same course as long as he retained a seat in it. He could not but express his astonishment that hon. Gentlemen opposite, who professed to be returned by the voice of the people, should be parties to the introduction of secret voting. As to the evils of nomination days, he had seldom observed more riot and confusion at the hustings than he observed the previous night in that House. He approved of the old English system of catechising candidates openly, and he would oppose the abolition of public nominations as he would oppose everything that was secret.

Question put, "That the words 'At the time and place appointed for the Election' stand part of the Clause."

The Committee *divided*:—Ayes 236; Noes 95: Majority 141.

SIR JAMES ELPHINSTONE explained that in the division which had just been taken he voted with the "Ayes" by mistake. It was his opinion that nomination days ought to be maintained.

MR. ASSHETON CROSS moved to insert after "electors," the words "in a Parliamentary, and by three other qualified electors in a municipal election," in order that no more than three persons might be put to the trouble of attending the nomination of a town councillor.

MR. JAMES said, he thought the best course would be to postpone the question until the Report came up, when the opinion of the House might again be taken on the point whether the subject of municipal elections ought not to be excluded from the Bill.

MR. GOLDNEY said, he preferred the provision in the Bill to the proposal of the hon. and learned Member for South-west Lancashire (Mr. Cross).

MR. W. E. FORSTER said, he would accept the Amendment on the present occasion, with the understanding that the Government should be at liberty, on the Report, to support, if they so thought fit, the proposal to exclude municipal corporations from the Bill.

Amendment agreed to.

MR. CHARLEY moved, in line 10, after the word "candidate," to insert the words "countersigned by the candidate or by his agent, authorized on that behalf." His object was to prevent fictitious nominations.

MR. W. E. FORSTER said, he must oppose the Amendment, on the ground that there might be, as there had been, cases in which it was impossible to communicate with a gentleman who was a desirable candidate.

SIR MICHAEL HICKS - BEACH said, he hoped the hon. and learned Member for Salford (Mr. Charley) would press that Amendment, as a similar provision worked well in the colony of Victoria.

Amendment proposed, in line 10, after the word "candidate," to insert the words "and countersigned by the candidate or by his agent authorised in that behalf."—(Mr. Charley.)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 113; Noes 198: Majority 85.

MR. G. B. GREGORY proposed to omit the word "ten," being the number of subscribing electors to each nomination paper.

SIR GEORGE GREY urged that this part of the clause should be omitted, because it was certain that, in order to insure there being the required number of signatures of qualified electors, more than the exact number would sign. It might also happen that one candidate would be nominated by several sets of

electors. It would be better that the proceedings should be held in a room to which the public had access, and to require that the returning officer should read, as he received each nomination paper, the names of those who had signed it. The public ought to receive the earliest possible intimation as to the persons who were nominated.

MR. BERESFORD HOPE thought that if more than ten signed a nomination paper, and all who signed could claim to be admitted before the returning officer, there might arise a worse turmoil than had occurred under the existing system. All the amenities of the good old system—rioting and the breaking of heads—would be retained at the nomination of candidates.

MR. GOLDNEY pointed out that if any man was refused admission to the returning officer's room, he had only to get the signatures of nine others to a nomination paper, and then he could claim under the statute a right to be admitted. It would also be extremely inconvenient to have a number of people going to a nomination in a small room, unless power were given to the returning officer to enable him to adjourn the nomination to an open place if necessary.

MR. J. S. HARDY said, if it were wanted to limit the number of persons to be present at the nomination, the best thing to do would be to make it unlawful for anyone to make a speech there.

MR. SPENCER WALPOLE asked the Vice President to express an opinion with regard to the point that had been raised?

MR. W. E. FORSTER did not think it would be possible, at any rate in their first legislation on the subject, to frame such a clause as to leave it impossible to find a flaw in it. If there were a determination on the part of any district to get something approaching to a public meeting at the nomination, a small public meeting might be the result; but, at all events, the system of nominations would be considerably altered by the clause.

SIR STAFFORD NORTHCOTE said, the question raised by the right hon. Baronet the Member for Morpeth (Sir George Grey) was a very serious one. If the number of persons were to be limited to ten—or rather if that number were to be absolutely prescribed—one of the ten might turn out to be not

properly qualified as an elector, and the nomination might thus be vitiated. On the other hand, if more than ten were to be allowed to sign, each candidate would get as many signatures as he possibly could in order to show how well he was supported, and to induce some other candidate to withdraw.

MR. W. E. FORSTER admitted that there might be some difficulty in the matter, and said he would endeavour to devise words which should confine the subscribing electors to the proposer and seconders and eight assentors duly qualified.

SIR FRANCIS GOLDSMID suggested that the attendance at the meeting should be restricted to ten electors on the register.

DR. BALL said, that there should be an express provision that only one nomination of any one person should be received, or else in small constituencies where there were perhaps not more than 100 electors, the signatures of all the electors might be obtained to different papers nominating the same candidate. There should be a restriction, or the whole object of the Bill in such cases would be defeated.

MR. BERESFORD HOPE, in order to prevent the nomination of persons who were not seriously intended to go to the poll, suggested that each person nominated should be made to deposit a certain sum of money, which should be forfeited if he did not afterwards obtain a certain number of votes. Of course, where a person was nominated without his own consent, the fine should be made to fall on those who had proposed him.

MR. W. E. FORSTER said, it was evident that safeguards should be required under sub-section 5, and they would be supplied in supplementary provisions in Clause 8. He was informed that the legal interpretation of sub-section 5 was that only ten signatures would be considered legal signatures.

MR. ASSHETON CROSS said, it was a constant occurrence at municipal elections that one person received several nominations, and when nominations gave an advantage in the shape of a right to enter the room, it would be found that the same person would be nominated by different sets of men. They were only on the threshold of the difficulties that would attend secrecy. There ought to be nothing to prevent any elector from pro-

Sir George Grey

posing a candidate for Parliament, irrespective of what any other elector might propose.

MR. GOLDNEY said, power was given by the Bill to allow of the withdrawal of a nomination within a limited time. The effect of this proposal of the right hon. and learned Member for the University of Dublin (Dr. Ball) would be that a *bond fide* candidate might be nominated by those who were adverse to him, in order to prevent any other persons from nominating him; and then, at the last moment, his name might be triumphantly withdrawn.

MR. BRISTOWE said, he would prefer to vest the nomination in "registered" rather than in "duly qualified" electors, as the latter words were of doubtful meaning.

MR. STAVELEY HILL hoped the suggestion of the right hon. Baronet opposite (Sir George Grey) to omit the clause would be acted upon, and that the manner of receiving nominations would be left to the discretion of returning officers.

MR. J. LOWTHER suggested that the persons to be present at the nomination should be a certain number—say four—to be chosen by each candidate. At present any candidate who was nominated was liable to contribute towards the erection of the hustings; but under that Bill anyone might get himself nominated without having to pay anything at all. A dozen candidates might be nominated at once, and the whole thing brought down to the level of a farce.

SIR JOHN HAY said, that where there was a very large constituency, say of 10,000, they would require 1,000 places for groups of 10 to assemble to nominate a candidate, which would be a serious matter, and, indeed, the difficulty could scarcely be coped with in metropolitan constituencies.

MR. SCLATER-BOOTH suggested that the matter should stand over until Government considered the question. The nomination of Members would be used by the electors as advertisements, and that was a feature quite worthy of attention.

SIR STAFFORD NORTHCOTE thought they ought to consider when the electors were got together what they were to do. The 8th and 9th clauses gave a most objectionable power of withdrawal within two hours after nomina-

tion, during which the candidate might retire in secret.

MR. W. E. FORSTER candidly acknowledged that a difficulty had started up, which he did not exactly see at present how to meet. The best way was to act on the suggestion of the hon. Member (Mr. Selater-Booth) opposite, even with the certainty of losing ten minutes. He would therefore suggest that the hon. Member for East Sussex (Mr. G. B. Gregory) should withdraw his Amendment.

MR. GOLDSMID pointed out that a candidate might be nominated by political opponents for the purpose of withdrawing him when it was too late for his friends to re-nominate him.

Amendment, by leave, *withdrawn*.

Committee report Progress; to sit again upon *Monday* next.

ARMY—(SERVICE ABROAD).

HER MAJESTY'S ANSWER TO THE ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Lord OTHO FITZGERALD) reported Her Majesty's Answer to Address [20th June], as follows:—

I have received your Address, praying that measures may be taken to prevent, as far as practicable, Soldiers enlisted in any Regiment of Cavalry or Infantry of the Line being called upon to serve out of the United Kingdom unless they have attained the age of twenty years.

The subject of your Address had already engaged the attention of My Government, and I have given additional directions in conformity with your desire.

HARROW SCHOOL.

HER MAJESTY'S ANSWER TO THE ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Lord OTHO FITZGERALD) reported Her Majesty's Answer to the Address [20th June], as follows:—

I have received your Address, praying that I will be pleased to disallow the Statute by which Membership of the Church of England is for the first time imposed as a qualification for appointment to the Governing Body of Harrow School.

I shall signify my disapproval of that part of the Statute.

It being now Seven of the Clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the Clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—COMPULSORY SERVICE.

MR. O'REILLY rose to move—

"That, in the opinion of this House, to place the country in a state of permanent security, it is necessary to establish our military system on the basis of recognizing the obligation of all citizens to defend their Country, and of fitting them by training for the discharge of their duty."

The hon. and gallant Member proceeded to address the House, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Nine o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 10th July, 1871.

MINUTES.]—*Sat First in Parliament*—The Earl of Aylesford, after the death of his father. PUBLIC BILLS—*First Reading*—Public Schools Act (1868) Amendment * (249); Dean Forest and Hundred of St. Briavels * (250); Pedlars' Certificates * (252).

Second Reading—Ecclesiastical Titles Act Repeal (184); Factories and Workshops Act Amendment (239); Kingsholm District Boundary * (215), *discharged*.

Report—Burial Grounds * (231); Life Assurance Companies Act (1870) Amendment * (243); Gas and Water Provisional Orders Confirmation * (244); Courts of Justice (Additional Site) * (218).

Third Reading—Dogs * (202); Owens College * (245), and *passed*.

ARMY REGULATION BILL—NOTICE.

THE DUKE OF RICHMOND: I beg to give Notice that on the Motion that the Army Regulation Bill be read a second time I shall move the following Resolution in lieu thereof:—

"That this House is unwilling to assent to a second reading of this Bill until it has had laid before it, either by Her Majesty's Government or through the medium of an inquiry and Report of a Royal Commission, a complete and comprehensive scheme for the first appointment, promotion, and retirement of officers; for the amalgamation of the Regular and Auxiliary Land Forces; and for securing the other changes necessary to place the military system of the country on a sound and efficient basis."

IRELAND—MEATH AND WESTMEATH ELECTIONS—STIPENDIARY MAGISTRATES.—OBSERVATIONS.—QUESTION.

LORD DUNSANY, in rising to call attention to the growth of disaffection in Ireland, as evinced at the elections for Meath and Westmeath; and to point out the apparent connection between such disaffection and a vicious system of party Government long followed in Ireland: Also to ask Her Majesty's Ministers whether it was intended to lay down some rules as to the qualifications and the selection of stipendiary magistrates? said, that last year it was found necessary to pass a Coercion Bill for Ireland in consequence of the state of that country; and this Session the operation of that Coercion Bill had been extended for another year, and its provisions had been made much more stringent. Recently, three county elections had taken place in Ireland, and at each of them the Members elected had been returned on the express—perhaps on the sole—ground of their hostility to this country and its institutions. To these incidents might be added the inauguration of the statue of Mr. Smith O'Brien, the Corporation of Dublin, headed by the Protestant Mayor, taking part in the ceremony. It would be a great mistake to throw away whatever useful lesson such facts might afford. The newspaper Press of the country afforded a good index to the state of public feeling, and five out of nine of the journals in Dublin, enjoying the largest circulation, were decidedly engaged in the advocacy of rebellion. These disagreeable facts were the more serious, inasmuch as they followed close upon the passing of two measures which it was hoped would have a healing effect in Ireland, and existed simultaneously with a state of our foreign relations which was not encouraging to domestic rebellion, and when there was a marked increase in the material prosperity of the country. Such a state of things was

extremely serious. It was not merely that there was disaffection in Ireland; there had been disaffection there before, and Coercion Bills had had to be passed on previous occasions; but the most alarming symptom of the time was found in the discouragement of the good and loyal people of the country. The elements of order had been weakened, and the Protestant and loyal population had been alienated—not so much by disgust at the recent legislation, and by the distrust excited by the sacrifice of great interests to party exigencies which had inspired that legislation. Nevertheless, it was his firm belief that their loyalty might even now be relied on in case of danger. It was commonly said that the recent legislation for Ireland could not be expected to have immediate effects, and that no farmer expected to reap the harvest as soon as he had sown the seed. But surely, although the harvest might not be ripe the corn blades were not long before they appeared above the ground. In Ireland, however, the growth which had resulted from the passing of the Church and Land Acts was shown by such matters as the meeting held at Mullagh on the 29th of June, called together by eight priests, and attended by 4,000 or 5,000 people, who denounced the much-vaunted Land Act as affording no adequate protection for the tenant, and who groaned and hooted at the name of the Prime Minister. The state of Ireland was not loyal or contented, and he believed that it was owing in a great measure to the pernicious system of party Government which had so long prevailed in that country. Party Government in that country was not based on the union of those who held similar opinions or something like similar opinions. Ireland had for the last 40 years been practically under the dominion of the Irish priesthood. Party Government in Ireland, represented by an alliance between the Liberal and the Ultramontane parties, was insincere. It was not a party alliance of that kind which was recognized in England, and could not be looked upon with either favour or respect. With regard to party Government in Ireland there was really no materials for forming a Government which could be founded on principles of stability. The alliance between the Irish Liberals and the Roman Catholic priesthood was absolutely incompatible — it

was already at an end, or its dissolution was threatened. What was the practical working of the system in Ireland? The Lord Lieutenant, the principal officer of the Government, represented the Crown, and must of necessity be a partisan. The whole Irish Executive — the Lord Lieutenant, the Lord Chancellor, the Law Officers — even the Castle tradesmen and the Government organ of the Press — were changed with every change of Government. He was not speaking from a party point of view, for the same system was pursued whichever party came into office; and if on the one hand there were illiberal Liberals, there were on the other Conservative Repealers. Why should not the Lord Lieutenant, the Lord Chancellor, and Law Officers continue in office without reference to a change of administration. This, he believed, would do much to tranquillize the country by lessening the inducement for political lawyers to keep up an agitation, for at present barristers' speeches in nine cases out of ten were hustings' harangues rather than addresses delivered in the interests of their clients. Military, naval, and civil service appointments no longer depended in this country on political grounds, the principle of competitive examinations having been wisely introduced, and why should not a similar reform be applied to Irish appointments? Honesty and morality demanded a change of system. Unless the priests, who were deserting to the Repealers, were conciliated, a majority of Repealers might be returned at the next Election, and they could only be conciliated by further concessions, such as an Ultramontane University and another slice of the land — concessions which would only give satisfaction for a time. Among the great evils to which he wished to direct their Lordships' attention, and as illustrative of the evils which had arisen from the character of party Government in Ireland, he would instance the appointment of the stipendiary magistrates. It was most desirable that some means should be found of restricting the appointment of political partisans to judicial offices, and the selection of these magistrates was one of the most glaring instances of the effect of party Government. He disclaimed the intention of casting any imputation on the present Lord Lieutenant, who was actuated by

the honourable principles which guided every English gentleman; but he was convinced that the change he advocated would tend to produce a better tone in the public mind, and was most desirable in the interests of honesty and morality. The noble Lord concluded by putting his question—Whether it was intended to lay down some rules as to the qualification and selection of stipendiary magistrates?

LORD DUFFERIN, in reply, said, the Government had at present no intention of laying down rules as to the qualifications and selection of stipendiary magistrates in England or Ireland, and, even if the present system was attended with some disadvantages, it could not be lightly abandoned. It would not, he thought, be alleged that any Government had been actuated by any other motive than a desire to secure the persons best qualified by antecedents and education to discharge the duties of their office. The Government were responsible for the appointments that were made, and he believed that, on the whole, the magistrates selected had discharged their duties satisfactorily. His own opinion of the results of recent legislation and the general condition of the country was very different from that of the noble Lord (Lord Dunsany); but no advantage would be derived from his endeavouring to show that appreciation of the state of the country was the more correct, and that the noble Lord laboured under misapprehensions. He could not conceive by what machinery the great officers of State could be chosen, as suggested by the noble Lord, whose censure had fallen on those Governments which he usually supported, as well as on those of opposite principles to his own. It seemed to him premature to pronounce any very decided opinion on the effect of recent legislation; but his acquaintance with the North of Ireland induced him to think that the Church Act had been accepted with perfect good faith, which reflected the greatest honour on those who so vigorously opposed it; while as to the Land Act, his conviction was that, on the one hand, the Courts intrusted with the administration of its details had discharged their duty with perfect satisfaction both to landlords and tenants; and that, on the other hand, as day by day its working became more familiar and better understood, all classes

in Ireland would become more and more satisfied with it.

LORD ORANMORE AND BROWNE expressed his concurrence with the noble Lord who had brought this subject forward. While he admitted that the resident magistrates had generally shown more impartiality than could have been expected from the mode of their appointment, he maintained that the appointments were a reward for political services. They were not like other magistrates, appointed and dismissed by the Lord Chancellor, but held their appointments at the will of the Government, to whom alone they could look for advancement, and from whom they received secret instructions. They were thus not guided by law, but by the humour of the Government, which, according to the political views of the hour, made the law active or passive. The present Government existing on popularity, law was dormant and rowdiness in the ascendant. Irishmen did not love English rule; but it had so misruled them as to leave them no alternative save priestly socialism. There was little use in the Chief Secretary promising to preserve the integrity of the Empire if in the same breath he released those who, at Clerkenwell, first showed the use of petroleum, giving them the opportunity of organizing an international league through English towns and new raids from America. If the Premier was to bid for popularity against Mr. Martin, the fuse was already lighted to the powder magazine on which we stood.

THE EARL OF LEITRIM said, that the answer of the noble Lord (Lord Dufferin) had greatly astonished him—in fact, it was no answer at all, and we must assume that in the noble Lord's opinion the Church of Ireland liked to be robbed, and that the landlords approved of a third of their property being made over to the tenants on their estates. The fact was that the distrust and disgust in Ireland, in consequence of recent legislation, was widely spread in all classes of the community. As to the Irish Land Act, he would remind the House of his unavailing opposition to the provisions which intrusted the onerous duty of administering that measure to assistant barristers at Quarter Sessions. The result is that they postpone the cases from one Quarter Sessions to another before they can make up their minds

Lord Dunsany

as to what decision they will come to. The system of stipendiary magistrates was neither good, safe, nor wholesome—in fact, if a Return was obtained of the number of Petty Sessions they had to attend, it would be found impossible for them to discharge their duties. He knew a case himself in which the stipendiary magistrate had ten Petty Sessions to attend to in a fortnight, at very considerable distances one from the other. As to the Land Act—that Act which was passed to rob the landlords—only recently a Lord Justice of Appeal had given a very honest and straightforward opinion of the Act, and the Chief Justice of the Court of Queen's Bench had stated that it was so drawn that every clause of it—and sometimes every line of a clause—was calculated to give rise to litigation. The effect of recent legislation was to sow religious discord and social distrust in every part of Ireland; and the recent Bill of the noble and learned Lord (Lord Cairns), so far from quieting this distrust, was looked upon as an abuse of Parliamentary power. It neither gives security to the vendor or the purchaser of lands, but it leaves the uncertainty of the claims to be made by the tenants on the lands exactly in the same position as has been so ably shown by the Lord Justice of Appeal. The vender knows not what he has to sell, no purchaser can ascertain what he is about to buy, and the confusion which has been created by the Land Act is confirmed by the Bill of the noble and learned Lord. The result of the Irish Church Bill and the Irish Land Bill would certainly not be either to establish peace, or to attract capital to Ireland.

WAR OFFICE—REWARDS TO INVENTORS.

ADDRESS FOR PAPERS.

THE EARL OF DENBIGH rose to call attention to the present unsatisfactory mode of adjudging the amount of rewards due to inventors whose inventions had been in whole or in part adopted by the War Office; and to move an Address for Papers. Everyone must be aware that within the last 20 years great changes had been made in the armaments of this country. It was not many years since the 68-pounder smooth-bore was the heaviest and most powerful gun in the service; whereas we had now rifled 600-pounders of 20 and even 35

tons weight. This country was admittedly in advance of other countries in its heavy artillery. We had made the experiments, and the results of them had to a great extent been made use of by other countries. The carriages necessary for the manipulation of these enormous guns had required great ingenuity and industry in order to perfect them, and which now worked guns of 12, 18, and 25 tons with as much facility as we formerly worked those of three and five. These results had, however, been obtained at an enormous outlay in experiments—hundreds and thousands of pounds had during the last 12 years been fired away at Shoeburyness and elsewhere. Where one invention had succeeded and been adopted into the service, many had failed and been found wanting. Many thousands of pounds had been wasted on steel projectiles or iron targets until our present cheap and efficient chilled iron projectiles were invented, and about £40,000 in experiments utilizing our old cast-iron service guns until the present system, known as Palliser's, was tried and adopted. While much credit must be given to the officials who conducted the experiments which had such beneficial results, there was one class connected with those results whose claims had, as a rule, to a great extent been overlooked or neglected—namely, the inventors, who, generally, at their own risk and expense, had perfected and reduced them into a practical form. In some cases others had profited by the ideas of the original inventors, made use of their official position for perfecting the inventions at the expense of the country in the Government workshops, and pocketed the rewards, while the original inventor had been left out in the cold unnoticed and unrewarded. In claims of this nature it was evident that the inventors must be brought into collision with the officials of the Government, who from interested reasons or professional jealousy might be disposed to throw obstacles in the way of a fair estimate of the inventor's claims to recompense. It was to remedy this unsatisfactory state of things that he wished to suggest that some independent tribunal of arbitration, unconnected with the War Office, should be constituted for the purpose of examining the claims of inventors whose inventions had been wholly or in part adopted by the Govern-

ment. Such a tribunal should be composed of scientific men capable of entering fully into the merits of each invention. They should have no connection with the War Office, and the Minister for War should be guided in his decision by their award, as he was now by the Ordnance Council. The objection to the Ordnance Council was that it was composed, doubtless, of honourable and gallant men, but still subject to professional jealousies, not necessarily scientific, and therefore in so far incapable of judging of the merits of scientific inventions. It was not, perhaps, generally known that up to 1865 patents were held good as against the Government, and if an invention was adopted by Government, the inventor could make his own terms. In that year a decision in the Court of Queen's Bench was given in the cause of "*Feather v. the Queen*"—Sir Roundell Palmer being Solicitor General—which reversed the old doctrine, and laid it down as law that no patent rights held good as against the Queen. Thenceforward the unfortunate patentee was entirely at the mercy of the authorities. But, notwithstanding this decision, the Government received a tax of £175 on each patent, and a patentee was therefore much in the position of a proprietor whose property was requisitioned for the public benefit. He was obliged to part with it. But the adjustment of claims in the two cases was very different. In the landholder's case an independent jury of householders was empanelled to assess the remuneration, or a sworn arbitrator was appointed. In the case of an inventor the interested party itself assessed the value. No doubt, as long as patents were considered valid as against the Government, there was great difficulty in dealing with patentees; but ever since this decision—although for the purpose of making security more secure a special proviso was inserted in every patent specifying that if Government had need of the invention they were at liberty to use it—which had not yet been appealed against, the Government appeared to be recompensing themselves for the past by treating patentees in the most off-hand manner. The consequence was that many valuable inventions were lost to the public, because patentees would not subject themselves to the injustice and humiliations to which they were at

The Earl of Denbigh

present exposed. He had selected four or five cases, which he would now shortly lay before their Lordships. Major Palliser, who claimed to have invented the mode of breeching heavy rifled guns, as now adopted uniformly throughout the service, and also to have invented the principle upon which all rifled projectiles were now studded, had been offered the ridiculous sum of £1,500, which he had declined. The £22,500 which he received was for other inventions, and was a very inadequate sum for what had saved the Government hundreds of thousands of pounds. Captain Scott, R.N., invented the present mode of controlling the violence of recoil of the heavy rifled ordnance used in the Navy, without which it could not have been worked. His invention was universally adopted, and he patented his plans by special permission of the Admiralty, who in a Minute forwarded to the War Department, said—

"The Admiralty consider Captain Scott's claim to be entitled to a large and liberal consideration."

In another Minute dated January 28, 1870, occurred the following:—

"In the *Hercules*, the 10-inch muzzle-loading rifled guns are worked with extraordinary facility by the admirable machinery of Captain Scott, whose improvements in gun-carriages and their gear have been extensively adopted in the Navy."

Sir Spencer Robinson, late Controller of the Navy, remarked—

"I certainly am of opinion that, as far as the experiments have gone up to this time, most important benefits have accrued to the naval service through Captain Scott's exertions, and that, without those exertions, neither 12 nor 20-ton guns would have been successfully worked on the broadsides of ships."

After Captain Scott's inventions had been adopted into the Navy, he applied for remuneration, and was answered by the Lords Commissioners of the Admiralty that all expenses connected with guns and gun-carriages were borne on the Army Estimates, and that they would be prepared to report fully to the Secretary of State their opinion as to the value of his plans. Captain Scott remonstrated, on the grounds that some of his improvements for which he was seeking reward were essentially ship questions, and that in others his plans had been adopted by the Admiralty after they had found plans of the War Department impracticable or unsuccessful; in addition to which the advisers of the War De-

partment for war material had been his competitors for gun-carriages. Notwithstanding Captain Scott's remonstrance, the Committee recommended £2,000 as a full remuneration for his broadside carriages, including all the personal expenses he had incurred during nine years' experiments. This remuneration was immediately rejected as totally inadequate. He now came to Mr. Lynall Thomas, who claimed to have been the first to introduce the heavy rifled ordnance on the present system. In 1858, when he first proposed to make a 7-inch 6½-ton gun and an 8-inch on the principle of the ordnance now in use, he was told that Sir Baldwin Walker, then Surveyor of the Navy, had said that no ships ever could carry such guns, and that the very idea of utilizing such guns was preposterous. It was not till the next year that he could get a guarantee from the Government, General Peel being then in office, that he should be remunerated in case of success. With his 7-inch gun—the first with which a heavy shell of 150 lbs weight had ever been fired with so high a velocity from rifled ordnance—the enormous range of 10,000 yards and upwards was obtained, and this success was the cause of the experiments with Armstrong guns during the next few years, on which upwards of £2,000,000 was expended. The Armstrong guns were now superseded by the Woolwich gun, which, in manufacture and principle, was identical with that recommended by Mr. Lynall Thomas, who had received no remuneration whatever. Frazer, who received £5,000, was declared by Thomas to have pirated his patented system, and Mr. Thomas claimed that all the 7-inch, 8-inch, and 9-inch guns now adopted into the service were identical with his recommendations. In 1868 Commander Harvey brought under the notice of the Admiralty a torpedo which he had invented. The Admiralty declined to adopt the invention; but having learnt that it had been adopted by a foreign Government Mr. Childers thereupon had fresh trials instituted, and became so satisfied with it that he adopted it into the service. Commander Harvey estimated his claim at £5,000, considering the great expense he had incurred; but the Government awarded to him only £1,000. The Government had, at the same time, offered £15,000 to an Austrian for his fish torpedo, which was

as yet unproved, while Commander Harvey's had been thoroughly proved. The reason was that in one case the Austrian kept preserved his secret; whereas in the other Commander Harvey, having given his secret to the War Office, was at their mercy. He (the Earl of Denbigh) believed that it was necessary for the honour and also for the interest of this country that some independent tribunal should be formed by which all such claims as these should be properly examined. It might be said that the claims of inventors were very excessive; but these were as a drop in the ocean when compared with the enormous amount expended on experiments. An arrangement could be made by which the expense of such a tribunal could be covered by the forfeiture of deposits paid before arbitration in case an invention proved to be frivolous.

Moved that an humble Address be presented to Her Majesty for,

1. The documents submitted to the Committee that decided on Captain Scott's claims, and the subsequent correspondence thereon:

2. Correspondence between Mr. Lynall Thomas and the War Office, from 29th March 1871 to the present time:

3. Correspondence relative to Major Palliser's claims to certain inventions adopted into all the heavy wrought-iron guns of the service known as the "Woolwich guns," and also to the system upon which all the heavy projectiles in the service are studded.—(*The Earl of Denbigh.*)

LORD NORTHBROOK said, the noble Earl (the Earl of Denbigh) suggested that those who had decided the claims of inventors were prejudiced against those claims; but the system by which inventors' claims were at present discussed by the War Office afforded no ground for the imputation of prejudice. The Ordnance Council who considered these claims consisted of the principal officers of the Department, and as Parliamentary Under Secretary of State, he was the President. On that Council there were the Surveyor General of Ordnance, the Financial Secretary, the Adjutant General, the Inspector General of Artillery, the Inspector General of Fortifications, and other high officials. The cases to which the noble Earl had alluded would be an illustration of the practice of the Council. To take the case of Captain Scott first. There was not the slightest doubt, on the part of anyone who had knowledge of the subject, of the value of Captain Scott's in-

ventions. Those inventions were mainly for the naval service, and they came only incidentally under the consideration of the Ordnance Council. The Board of Admiralty requested the Ordnance Council to consider the subject, and asked that a sub-committee should be appointed to investigate and report to the Ordnance Council respecting the remuneration that should be given to Captain Scott. The sub-committee was entirely independent, and had no connection whatever with any rival of Captain Scott. They considered the case with great care, and came to the conclusion that £2,000 was a sufficient reward to give to Captain Scott, taking into consideration that he had been employed on full pay to carry out his invention. Captain Scott conceived that this was not a sufficient remuneration, more especially as he represented that he had been put to considerable expense in carrying out his invention. The Board of Admiralty, accordingly requested that further investigation should be made into the expenses incurred by Captain Scott. With respect to the case of Major Palliser, it seemed to him to be an instance showing that the claims of inventors had not been overlooked. Major Palliser had received, in the shape of rewards, and of payment for expenses incurred by him, £22,500 up to the present time; and, in consequence, he had given up all claim on the Government with respect to two of his inventions. But he had raised a number of claims on minor matters of which he conceived himself to be the inventor, and which he conceived would be of great benefit to the War Office. Those minor claims had been considered by the Council and also by a sub-committee, who reported that in respect of two out of these five or six claims it might be equitable to give Major Palliser £1,500. Out of all those who decided the question he thought only two could be said to be associated with the manufacturing Departments. All the rest were perfectly independent of those Departments.

THE EARL OF DENBIGH asked, Whether in these cases inventors were allowed to plead their own cases? If not, it would appear that the War Office got confidential reports from officers, and who those officers were nobody knew.

LORD NORTHBROOK said, he would come to that point. He could assure

their Lordships that it was with the greatest difficulty that he individually was induced to agree in the opinion of the sub-committee that £1,500 should be offered to Major Palliser in respect of these inventions. With respect to the proceedings of the Council, when it was desirable to do so they received personal explanations from inventors and, if necessary, called in a referee. As to Mr. Lynall Thomas, five or six Secretaries of State, he thought, had severally considered his claims, and had successively come to a conclusion adverse to them. In 1859 or 1860 Mr. Lynall Thomas produced the gun to which the noble Earl (the Earl of Denbigh) had alluded. The noble Earl, in calling attention to Mr. Thomas's claims, had omitted to mention the fact that the first gun produced by this inventor in 1859-60, burst on the 16th round; whereupon Mr. Thomas desired to construct another gun, but the proposition was opposed by the Ordnance Select Committee, who recommended that no further gun should be produced of that description. In 1861, when he was Secretary of State, he was directed to intimate to Mr. Thomas that if a second gun were produced its soundness should be tested by two large charges of powder, and that its construction would be at his own risk and expense, as the Department were not prepared to encourage his proceeding with the construction of a second gun. That second gun, however, was made, and it also burst at the second round. Mr. Thomas was called upon to refund a sum of money expended at Woolwich upon the gun; but unfortunately he was not in a position to refund the money, and up to the present time it had not been refunded to the public. Mr. Lynall Thomas had also made application for a reward on account of certain theories he had held for many years on gunnery; but competent authorities had given the opinion that those theories were not sound. Lastly, Mr. Lynall Thomas had raised a claim in respect of an alleged similarity between some patent of his, and an improvement that Mr. Frazer had effected in the construction of the Armstrong gun; but their Lordships would agree that no consideration could be given to this claim until at any rate some *prima facie* evidence was produced by Mr. Thomas in support of his state-

Lord Northbrook

ment. In regard to the general principle on which this question rested, a circular published on the 23rd of February, 1869, clearly laid down—that no liability on behalf of the public would be recognised on account of any expenses incurred by inventors, unless such expenses had been incurred under the distinct and written authority of the Secretary of State. It appeared to be impossible to lay down any plan under which inventors should have a right to appeal to arbitration against the Government. The Secretary of State acted not for himself but as the guardian of the public purse in respect of these claims. An arbitrator would have no data to go upon in these matters. It would be impossible for an arbitrator to form any satisfactory opinion as to the value of these inventions. He hoped their Lordships would believe that these claims were investigated with every desire to do justice. As to the Papers which had been asked for, they were so incomplete—for in all the three cases there were representations made which had not yet been decided—that it would not be advisable to lay them on the Table.

THE DUKE OF SOMERSET, while he admitted the difficulty experienced in the settlement of inventors' rights, said, he did not propose to enter into the question of the Patent Laws, but wished simply to state what he knew of Captain Scott's construction of a gun-carriage—as he happened to be at the Admiralty when Captain Scott introduced that invention. When very heavy guns were first put on board Her Majesty's ships, and the opinion was expressed by a noble Lord that the guns could not be used at all, the War Department were asked to make some carriages for those guns; but although they made several attempts they utterly failed, as was shown by a trial which took place on board an American vessel, when the second shot rendered the ship incapable of carrying on an action. At the time when the Government were most anxious to have an efficient gun-carriage Captain Scott came forward and devoted himself to the subject with such success that the Admiralty appointed him to the department charged with the fitting up of gun-carriages, and his efforts had been of great service to the department. True, he received full-pay, and that he

also received about £2,000; but, considering his close devotion to the improvement of gun-carriages for so long a period, the present Admiralty, without being very lavish, might fairly give Captain Scott some additional remuneration for all that he had done for them. With regard to Major Palliser, no doubt his invention of a particular kind of shot was of great value when the Government were paying very dearly for steel shot; but the amount of award in his case was widely different from that in Captain Scott's, since the former received £22,000, while the latter obtained £2,000 only. He hoped, therefore, the Admiralty would re-consider the case of Captain Scott, and decide to give him a further award.

VISCOUNT MELVILLE thought that when inventors laid their schemes before the Committee referred to they should at the same time submit a statement of the expenses to which they had been put in carrying out their invention, in order that the Committee should have sufficient data upon which to make their award.

VISCOUNT GOUGH urged the necessity for having independent judges to decide upon the value of inventions. Out of the £22,500 Major Palliser had received he had spent £13,000 or £14,000 upon the experiments necessary to enable him to bring his invention to perfection. A large part of this was personal expenditure; nor could it be said that these experiments had been senseless or extravagant, for the War Office themselves had admitted them to be prudent and well-conducted.

THE EARL OF CAMPERDOWN said, it was no easy thing exactly to determine the value of inventions before they had been put into actual practice for some time. In estimating the amount of remuneration that an inventor should receive, it must be borne in mind that there were two classes of inventors—those private inventors who carried out their experiments at their own expense, and those who, being in the public service, obtained the assistance of Government materials and machinery in perfecting their inventions. But beyond this it could scarcely be said that Captain Scott had been altogether unremunerated for the expenses to which he had been put. He believed that he was accurate in stating that it was partly in consequence of his inven-

tion that that gallant officer had obtained the rank of captain; that during the period in which he was engaged in prosecuting his experiments he had been in receipt of full-pay; that he had been permitted to make use of Government materials; and that he had been engaged in experimenting on board Her Majesty's ships. Moreover, that the question as to the amount of remuneration he was to receive for the expenses he had incurred in conducting his experiments was not raised before the Committee of Ordnance was owing entirely to the fault of Captain Scott himself, inasmuch as in making out his claim to remuneration he had omitted altogether to make any statement with reference to such expenses. Captain Scott now refused to receive the £2,000 offered to him on the ground that it does not include his expenses; but he had been informed by the Admiralty that if he would lay before them a statement of the amount of those expenses, and show where and how they had been incurred, they would remit the matter to the Council of Ordnance for re-consideration without loss of time. He regretted that the noble Earl (the Earl of Denbigh) had not given notice of his intention to refer to the case of Commander Harvey's torpedoes; because had he done so he (the Earl of Camperdown) would have taken care to place himself in a position to furnish the noble Earl with the information he required on the subject. If the noble Earl desired to allude to this matter again, and would put a Notice of his intention to do so upon the Paper, he would gladly give him any information upon the subject that he could obtain.

THE EARL OF DENBIGH said, he would not press for the Papers named in his Motion after what had fallen from the noble Earl who had spoken on behalf of the Government; although he must express his regret that no answer had been given to his Question whether or not inventors were allowed to plead their own causes before the Committee of Ordnance, either in person or by their agents?

Motion (by Leave of the House) withdrawn.

The Earl of Camperdown

ECCLESIASTICAL TITLES ACT REPEAL BILL—(No. 184.)

(The Lord Chancellor.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, it was unnecessary for him to go over the ground that had been travelled over last Session when a measure similar to the present had passed through both Houses of Parliament; but in the progress of the Bill through their Lordships' House some Amendments were introduced, with which, as it was understood, all parties—including the Government—were satisfied; but in the other House alterations were made, very unexpectedly, on the Motion of a Member of the Government, in contravention of the understanding which it was supposed to have been come to; and as their Lordships were unwilling to assent to those alterations, the measure was suffered to drop. The present measure, since its introduction into the other House this year, had been referred to a Select Committee, whose sanction it had received. The object of the Bill was to repeal the Ecclesiastical Titles Act. It had become necessary that such a step should be taken in consequence of the change in the law which had been effected by the Irish Church Act, by which the successors of the present Bishops of the Disestablished Church of Ireland, in the event of their assuming the titles held by their predecessors, would be liable to penalties under the terms of the statute it was now sought to repeal. The Ecclesiastical Titles Act was passed with the view of preventing persons from assuming the titles of any sees or dioceses other than those recognised by law, and its Preamble contained a strong protest against the assumption of such titles. While admitting that the case of the future Bishops of the Disestablished Church of Ireland demanded that some alteration should be made in the existing law upon the subject, he thought that it was desirable that there should be placed upon record on the face of the Bill a distinct protest against the recognition of a right on the part of foreign Powers to grant any jurisdiction to be exercised in this country by persons acting under their autho-

ity. The only question that had arisen on the former occasion with reference to the matter was as to the form in which that protest should be drawn up in the Preamble of the measure. This matter had been settled by the Committee adopting in part the form in which their Lordships had put it in the Bill of last year, and partly the form preferred by the other House. As this was the chief point of dissension last year, and their Lordships had approved of the object and provisions of the Bill in other respects, it was not necessary that he should detain their Lordships by offering any arguments. He should, however, be perfectly ready to give any explanations, either now or in Committee.

Moved, "That the Bill be now read 2^a."
—(*The Lord Chancellor.*)

LORD COLCHESTER considered that Her Majesty's Ministers were introducing an Imperial remedy to meet a special Irish difficulty. The Committee of which he had been a member had reported that it was inexpedient to make any change in the law. In only one point had circumstances changed since then, and that was in regard to the ecclesiastical legislation of the past two or three years. The Bishops of the Protestant Church of Ireland would in the future be open to the same penalties as the Roman Catholic Bishops of England, unless some change were made in the law, and therefore some change should be made; but he did not see why the change should be greater than the circumstances rendered necessary.

LORD ORANMORE AND BROWNE opposed the second reading. The Roman Catholic Bishops were the representatives of a foreign Power, and had their titles conferred upon them by that Power. Certainly there was a proviso appended to the last clause, declaring that nothing in the Act shall be deemed to authorize or sanction the conferring any title, precedence, or authority within this realm by any other person than the Sovereign; but inasmuch as such titles had been recognized by successive Lords Lieutenant of Ireland, who had publicly received Cardinal Cullen, and given him precedence as holding the highest rank in the Roman Catholic Church in Ireland, he did not see that such a declaration would be of much use. He could not see why the existing Act should be repealed, unless

it was in order that Roman Catholic Bishops might be received at Court, according to rank and precedence.

LORD CHELMSFORD said, he had pointed out in the House of Commons during the discussion that had taken place at the time of the passing of the Ecclesiastical Titles Act that, except as a legislative protest against the right of a foreign Power to grant ecclesiastical titles in this country, the statute would be wholly inoperative, inasmuch as it would be very easy for those who were inclined to do so to evade its provisions—and he even divided the House twice in unsuccessful endeavours to make its provisions more stringent. As he had foreseen, since its passing the Act had remained a dead letter, not a single instance having occurred in which the penalties it imposed had been attempted to be enforced. Under these circumstances, he could not see what harm could result from its repeal, especially when he found that the protest it contained, which was its only valuable part, was to be renewed in the present Bill, and the Bill was further necessary to give proper protection to the future Bishops of the Irish Church. He should therefore support the second reading of the Bill.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House *To-morrow*.

FACTORIES AND WORKSHOPS ACT AMENDMENT BILL—(No. 239.)

(*The Earl of Morley.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF MORLEY, in moving that the Bill be now read the second time, said, it would effect an important change in the law regulating factories and workshops. By the Workshop Act of 1867 the inspection of all places where people worked not inspected by the Government Inspectors was handed over to the local authorities. The latter, however, having failed to enforce the provisions of the Act, it had become necessary to transfer the power so held by the local authorities to the Government Inspectors. The object of the Bill, therefore, was to transfer the jurisdiction over workshops now committed to the local authorities to

the Inspectors of Factories, and to consolidate, to a great extent, the Factories and Workshops Acts, and they would hereafter be construed as one Act. It was satisfactory to see that that legislation for factories and workshops had been successful in enlisting the sympathy of all who came under its operation. The operatives and the employers alike were impressed with a conviction of the importance of the working of those Acts, and of the beneficial results they had had on all parties; and it was a matter of congratulation to those who originated the Acts that the Inspectors had now scarcely any difficulty in carrying them into effect. By a slight addition to the staff of the Factories Office it was thought that the whole ground now occupied, partly by the local authorities and partly by the Inspectors, would be covered by that one office, and that the Acts would be uniformly enforced throughout England.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Morley*.)

THE MARQUESS OF SALISBURY said, he was pretty certain that this measure would not get through the other House this Session, and he trusted that the noble Earl would employ the Recess in re-constructing the Bill in a more workmanlike shape.

THE EARL OF MORLEY said, he would be glad if the state of business next year permitted the introduction of a consolidating and amending Act in regard to factories and workshops. The present Bill was necessary to remove a great flaw in the working of their legislation on that subject.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House To-morrow.

PEDLARS CERTIFICATES BILL [H.L.]

A Bill for granting Certificates to Pedlars—Was presented by The Earl of MORLEY; read 1^a. (No. 252.)

House adjourned at Eight o'clock, till
To-morrow, a quarter before
Five o'clock.

The Earl of Morley

HOUSE OF COMMONS,

Monday, 10th July, 1871.

MINUTES.]—WAYS AND MEANS—considered in Committee—Exchequer Bonds (£700,000); Consolidated Fund (£10,000,000).

PUBLIC BILLS—Resolution in Committee—Ordered—First Reading—Customs and Inland Revenue * [233].

Ordered—First Reading—Metropolitan Tramways Provisional Orders Suspension * [236]; East India (Bishops' Leave of Absence) * [237]; Intoxicating Liquors Licences Suspension * [234]; Sunday Observation Act Amendment * [235].

Second Reading—Glebe Loan (Ireland) Act (1870) Amendment * [225], debate adjourned; Merchant Shipping Acts Amendment * [221]; Public Libraries Act (1855) Amendment * [220].

Committee—Elections (Parliamentary and Municipal), (re-comm.) [103]—S.P.; Pauper Inmates Discharge and Regulation * [70]—S.P.

Committee—Report—Chain Cables and Anchors * [201-232]; Tramways Provisional Orders Confirmation (re-comm.) * [197]; Landrights and Deeds (Scotland) * [84-233].

Third Reading—Bankruptcy Disqualification * [168]; Railway Regulation Amendment * [195]; Sewage Utilisation Supplemental * [218]; Election Commissioners Expenses * [220], and passed.

Withdrawn—Landed Property (Ireland) Act (1847) Amendment * [59].

REGISTRARS OF DEEDS FOR MIDDLESEX.—QUESTION.

MR. CUBITT asked Mr. Attorney General, Whether any arrangement has been made with the two Registrars of Deeds for Middlesex, to the effect that they will not, in the event of the abolition of their offices, claim compensation in respect of the additional fees received by them in consequence of the vacancy of the third Registrarship; and, if not, whether he sees any difficulty in make such an arrangement?

THE ATTORNEY GENERAL said, in reply, that there would be some difficulty in making an arrangement with the two registrars of deeds for Middlesex to the effect that they would not, in the event of the abolition of their offices, claim compensation in respect of the additional fees received by them owing to the vacancy of the third registrarship. He had communicated with one of the registrars, who said he had no intention to claim any such compensation, and he (the Attorney General) was of opinion that neither of them had the shadow of a claim to it.

ARMY—MILITIA DRILL.—QUESTION.

MAJOR WALKER asked the Secretary of State for War, Whether there is any prospect of his being able to establish some more advanced course of military instruction for Field Officers of Militia than that now provided at the drill schools?

MR. CARDWELL: Sir, the instruction offered during the past year to officers of the Reserve forces had been accepted to an extent which encouraged the expectation that a higher class of instruction would not fail to be appreciated; and he should gladly consider by what arrangements so desirable an object could be best secured.

ARMY—DIRECT COMMISSIONS.
QUESTION.

MAJOR GAVIN asked the Secretary of State for War, When will the next examination for direct Commissions be held, or likely to be so; and, also taking into consideration the long list of candidates already on the list of the Commander in Chief for direct Commissions, what time is likely to elapse before that list be absorbed and Commissions be given to such young gentlemen who are now prepared to offer themselves at the next examination for direct Commissions?

MR. CARDWELL: I am informed, Sir, that there are at present 64 gentlemen cadets, 23 University candidates, and 435 direct commission candidates who have passed the qualifying examination, and are still within the prescribed age. Under these circumstances, it appears probable that at least three years will elapse before any who have not yet been examined can be provided with commissions.

ARMY—DISCHARGE OF BAD CHARACTERS.—QUESTION.

MR. STAPLETON asked the First Lord of the Treasury, Whether it is true that three thousand bad characters have been discharged from the Army during the last two years; whether many of these men are in the receipt of parochial relief; and, whether the Home Office is in possession of any information as to the way in which those who are not receiving such relief get their living?

MR. GLADSTONE: Sir, I have obtained from the War Department a Return which answers the first Question of my hon. Friend, and the purport of which I can read to the House. During the last two years ending March 31, 1871, there have been discharged from the Army, on account of bad conduct, as follows:—By sentence of Court Martial, 1,691; persons not permitted to re-engage on the expiration of their first period of service, 1,282; recommended for discharge by commanding officers as soldiers either incorrigible or of no value, or convicted by the civil power, 1,124; and sentenced to penal servitude, 27; making a total in excess of the number given by my hon. Friend of 4,124. With regard to the second and third Questions, I am sorry to say there is no official information in existence. No Department of the Government has the power of tracing these men so as to learn whether they are in receipt of parochial relief, nor have the police any cognizance of them as discharged soldiers, unless in the casual instances in which they may come under notice on account of fresh misconduct.

METROPOLIS—ST. STEPHEN'S CRYPT.
QUESTIONS.

MR. W. LOWTHER asked the First Commissioner of Works, Whether his attention has been called to the manner in which the decoration within the altar-rails of the "Crypt" has suffered from the smoke of the lamps placed at too great a height within the rails; and whether he will cause steps to be taken which will put an end to the progress of this destruction of the decoration?

MR. AYRTON, in reply, said, it was true that the lamps had been put up to make the darkness of this vault rather more visible, and that smoke had been emitted from these lamps, which had somewhat marked a part of the vault. Perhaps the best thing would be to remove the lamps, and then the cause would be removed. In that case, however, the place would not be as much seen as it was.

MR. W. LOWTHER asked, Whether the right hon. Gentleman would not direct that the lamps should be lowered?

MR. AYRTON replied that to lower the lamps would be to diffuse the smoke more generally over the ceiling of the vault.

IRELAND—PARTY TUNES.—QUESTION.

MR. WINGFIELD VERNER asked the Chief Secretary for Ireland, with reference to recent events in Lurgan, If he is aware that the Law with regard to the playing of bands and drums on the public roads is differently administered in the North from other parts of Ireland, and if he will be good enough to explain why band playing and drumming are prohibited and put down at Lurgan and in other places of the North, while they are permitted and sanctioned in the South of Ireland, especially in the cities and counties of Dublin and Cork?

THE MARQUESS OF HARTINGTON, in reply, said, he was not aware that the law as regarded the playing of bands and drumming parties in the public roads was administered differently in the North of Ireland from other parts of that country. In fact, he was aware that in certain parts of the North of Ireland persons had been punished for these offences. In every case the magistrates must make use of their own judgment, according to the probable effect of such a display upon the peace and tranquillity of the district, as to how far it might be expedient to put the law in force, for proceedings which otherwise would be extremely harmless might, on account of some particular day or locality, be calculated to lead to a serious breach of the peace.

BETTING ADVERTISEMENTS.

QUESTION.

MR. ANDERSON asked the Secretary of State for the Home Department, in reference to his postponed reply to a Question on the 8th June, Whether he is yet in a position to state the opinion of the Law Officers of the Crown as to the legality of certain betting advertisements to which his attention had been called, and whether that legality is to be tested in a Court of Law?

MR. BRUCE said, in reply, that the legality of certain betting advertisements to which his attention had been called had been submitted not to the Law Officers of the Crown, but to Mr. Poland, who had charge of some of those cases, and Mr. Poland was of opinion that some of the advertisements were illegal, while some escaped the operation of the law. Those cases which fell within the opera-

tion of the law were now in the hands of the Solicitor to the Treasury and the police.

METROPOLITAN POLICE—POLICE
CONSTABLE JOHN M'CONNELL.

QUESTION.

MR. EYKYN asked the Secretary of State for the Home Department, If it is true that constable John M'Connell, 139 L of the Metropolitan Police, who gave evidence in favour of a prisoner, who was acquitted, in opposition to other Metropolitan constables, at the last Surrey Sessions, has been suspended or suffered any diminution of pay for giving such evidence, or if the charge of drinking a glass of beer was the substantial cause of the displeasure of the Police authorities?

MR. BRUCE replied that the police-constable was suspended because, previous to the trial, he was seen drinking in a publichouse with the mother of the prisoner in whose behalf he gave evidence. Although in this respect his conduct was wrong, the Commissioners of the Police had not regarded it as deserving of a severer punishment, and the constable had therefore been re-instated. He would appeal to his hon. Friend, however, whether, on reflection, he thought that the discipline of the force could be preserved if Questions of this kind were raised, and whether the time of the House was properly occupied in listening to them.

EDUCATION (SCOTLAND) BILL.

QUESTION.

MR. CAMPBELL asked the First Lord of the Treasury, Whether it is still the intention of the Government to proceed with the Scottish Education Bill during this Session?

MR. GLADSTONE: Sir, I have been compelled to consider this matter with reference to the date at which we have arrived, and the state of Public Business. I need not say, that so far as the Government are concerned, they are perfectly ready to go on with business of whatever description, so long as the House would be prevailed upon—or rather so long as it would be possible for Members of the House to do so without that total sacrifice of all other engagements which would be impracticable.

I am sure that the Members for Scotland would concur in the view of the Government, and would make every sacrifice for the sake of carrying forward this measure. But although the Bill directly relates to Scotland it is one of great national importance, and we have arrived at the conclusion that it would not in all probability be possible to proceed with it with such a prospect of the general attendance of Parliament as would be requisite in order to ensure its being satisfactorily dealt with. We are therefore compelled to arrive at the conclusion that it had better be postponed until next year. It is not wise or safe to speak with any great confidence of what will happen in the coming Session; but, as I trust that this House may have put out of the way of this measure the very formidable competitors which have prevented our proceeding with it this year, I am sanguine in the hope that we should be able to proceed with it or that any Government would be able to proceed with it, at a very early period of the next Session of Parliament.

IRELAND—A ROYAL RESIDENCE IN IRELAND.—QUESTION.

MR. STACPOOLE asked the First Lord of the Treasury, If, having regard to the conditional promise given on the 19th June, he can state whether, in the state of Public Business, it is the intention of the Government to deal with the subject of establishing a Royal residence in Ireland, with regard to which he (Mr. Stacpoole) had a Motion on the Paper for to-morrow night?

MR. GLADSTONE said, in reply, that the important question to which his hon. Friend had more than once called attention was first raised in recent times by the right hon. and learned Baronet the Member for Clare (Sir Colman O'Loughlen) in 1868, when the right hon. Gentleman (Mr. Disraeli) opposite, then in office, stated that it was a proper subject for consideration, and he looked forward to the time when some measure on the subject might be adopted, and when some means would be found by which the personal feelings of attachment between the people of Ireland and the Crown might be strengthened. He fully agreed with the right hon. Gentleman on the expediency of dealing with this matter in a substantive manner, and since the present Go-

vernment came into office it had not escaped their attention; but they thought that the time had not yet completely come for them to arrive at a practical conclusion. As recently as within the last few months they had had the matter before them, and had taken into view the various alternative methods by which it would be possible to proceed. They had also to consider the novelty of the question, and the duty of bringing it before Parliament whenever it was brought forward under circumstances most likely to insure a favourable and full consideration. At the present period of the Session, and in the present condition of Public Business, when the House was necessarily beginning to feel the sense of exhaustion caused by debates on questions of great public interest, the Government did not think that it would be possible with advantage to bring the matter before Parliament during what remained of the present Session, but they did look at it with a practical view, and it was their intention to take the earliest future opportunity of bringing the subject under the notice of Parliament which the state of Public Business might permit. He expressed a hope that his hon. Friend, who had given Notice of a Motion relative to this question for to-morrow night, would not bring forward the Motion, for it was evident that, if this matter was to be satisfactorily dealt with, so that whatever step adopted might have that gracious aspect which all would wish, it would be far better in the public interest that it should not be anticipated by a discussion in that House, raised at the instance of an independent Member. He thought that any such proceeding at this moment, instead of advancing, would rather tend to interpose difficulties in the way of the accomplishment of the object which his hon. Friend had in view.

MR. STACPOOLE said, he was placed in a difficulty by the answer just given to him, but he felt that he must bring forward his Motion.

Afterwards—

MR. STACPOOLE stated that he had misunderstood the right hon. Gentleman, and as he was informed that the Government intended to bring the question before Parliament early next Session he would not bring forward his Motion.

LORD JOHN MANNERS said, the further the debate went the more difficult it was to settle the details of the new system. The Government should make up their minds which course they themselves thought would be for the best under all the circumstances, and should ask the Committee to decide upon that course.

MR. GLADSTONE said, he thought the advice of the noble Lord who had just spoken (Lord John Manners) very good, for they had got to a point where they might fairly divide on his right hon. Friend's (Mr. Forster's) Amendment, and then on the sub-section itself. The Government meant to have substantially a private nomination. As the Bill stood, the privacy would not be secured by any absolute definition; but the object of the Act and the nature of the duty to be performed by the returning officer would afford an adequate security for its being in substance a private nomination. It was idle to say that the returning officer would act according as he approved or disapproved public nominations. It must be assumed that he would act like a man of sense, and would ask what the Act required him to do. Now, the Act required him to receive certain persons who would come before him with nomination papers, to examine those papers, and see that the proposer, seconder, and the eight persons who subscribed the papers were registered electors. Such business as that was essentially in the nature of office business requiring privacy. The notion of speeches made, and indefinite numbers present, would plainly be in violation of the spirit of the Act. The nature of the duties to be performed would point out to the returning officer that privacy, though not absolute secrecy, was to be observed; and, of course, he would be armed with the authority of the police so as to secure this privacy. He contended that the sub-section was unnecessary, and if it were adopted the House would be landed in another set of difficulties, because, if certain persons were invested with a statutory right to be present, who could answer for the conduct of those persons?

MR. WHARTON said, he must ask what on earth all these ten gentlemen wanted in the room? If any number of series of ten persons were admitted into the room, instead of shaking hands, they might very likely create a disturbance.

MR. W. E. FORSTER said, that view would be met by the omission of sub-section 7.

MR. WHARTON said, he was of opinion that the number of persons present should be limited by specific words to the candidate, his proposer and seconder, allowing none others to be admitted.

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived*.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 60; Noes 182: Majority 122.

MR. W. E. FORSTER then proposed the omission of remaining words of the sub-section, providing that no other person should be entitled to attend the proceedings.

SIR HENRY SELWIN-IBBETSON said, it appeared to him that the position into which they had now got was this—they had returned to open nomination, substituting a room for the hustings.

MR. BERESFORD HOPE objected to the withdrawal of these words from the section, and expressed his determination to take the sense of the House upon the question if necessary. He would further suggest to his right hon. Friend the Vice President of the Council that he should not withdraw the words in question, as they made, when taken with the previous sub-section, perfect sense and grammar.

MR. J. LOWTHER would support the retention of the words proposed to be left out, with the exception of "except with the express sanction of the returning officer."

MR. JAMES said, if, as he hoped, the suggestion of the hon. Member (Mr. B. Hope) should be adopted, a private nomination, already approved by the House, would be secured.

MR. W. E. FORSTER agreed to retain the words, and withdrew his Amendment.

MR. JAMES proposed an Amendment, providing that no other person should be entitled to attend the proceedings other than as already provided, "except for the purpose of assisting the returning officer."

MR. R. N. FOWLER observed that the candidate might want the advice of his agent.

MR. W. E. FORSTER said, he thought that he might accept the proposal, but he should wish to take legal advice upon the matter, and if the Amendment did not carry out the view of the hon. and learned Member, he would submit some alteration.

MR. G. B. GREGORY said, he considered that the words were better as they stood, and would point out that no provision was made for the admission of representatives of the Press.

Words "except with the express sanction of the returning officer" *struck out*: words "except for the express purpose of assisting the returning officer" *inserted*, and *agreed to*.

MR. J. LOWTHER moved, as an Amendment, that nomination papers might be sent by post.

MR. W. E. FORSTER said, he disapproved of the proposal, as even now registered letters in all cases were not delivered; and it was important to have no uncertainty in proceedings so important as those relating to a Parliamentary election.

MR. BERESFORD HOPE said, he believed that all difficulties of this kind might be obviated by executing the nomination papers before a magistrate, as in the University elections.

MR. J. LOWTHER said, he thought the right hon. Gentleman's objection cast a slur upon the Post Office; but after the alterations already made, he would not press the Amendment.

Amendment, by leave, *withdrawn*.

MR. GOLDNEY proposed to insert, in page 2, after line 18—

"The returning officer shall, on the nomination paper being delivered to him, forthwith publish the name of the person nominated as a candidate, and the names of his proposer and seconder, by placarding the names of the candidate, and of his proposer and seconder, in a conspicuous position outside the room or place appointed for the election."

MR. W. E. FORSTER said, he was quite willing to accept the Amendment, and thought the result of the discussion would be, that this sub-section would really secure nominations privately, instead of publicly, conducted in accordance with the wish of the majority of the House. He suggested that the Amendment should provide that the notice should be placarded outside the

building in which was the room appointed for the election.

Amendment *agreed to*.

MR. CHARLEY moved the omission of sub-section 9, on the ground that its tendency was to increase fictitious nominations.

Amendment *agreed to*.

Sub-section *struck out*.

MR. W. E. FORSTER said, he would withdraw sub-section 13 of Clause 2, with the view of bringing it up with some alterations in detail, as an Amendment on Clause 6, to which it more appropriately belonged. He must further appeal to the hon. Baronet opposite (Sir Michael Hicks-Beach), who was about to move, in the absence of the right hon. Member for North Northamptonshire (Mr. Hunt), an Amendment on Clause 2, to the effect that there should be a polling-place within two miles of the residence of every voter, excepting where the number of voters in a district would not amount to 30. He thought the present clause was not the place for such an Amendment, being a clause for nomination, and not for the fixing of polling-places.

MR. HENLEY said, he hoped that in the new sub-section it would be definitely fixed what interval should elapse between the nomination and the poll. No discretion should be left in this matter to the returning officer. It would only give an opportunity for jobbing.

MR. GLADSTONE appealed to the Committee not to multiply polling-places unnecessarily, and he hoped the Amendment would be postponed until they came to the clause to which it properly belonged.

MR. BERESFORD HOPE said, he thought that it was desirable that the preliminary question as to polling-places should be settled.

COLONEL WILSON-PATTEN said, he thought that the Amendment was in its proper place, and, besides, many votes would be determined by the number of polling-places that there were to be. If the Government would state that they would grant additional polling-places, they on that side of the House could regulate their conduct accordingly; and, besides, the mover of the next important Amendment had left the House under the impression that this one would occupy considerable time.

[Committee—Clause 2.]

MR. GLADSTONE: I had better repeat for the full information of my hon. Friend the few words which it appears he did not catch. They were that subject to the reservation that we did not consider that the residue of the present Session would offer a proper opportunity of dealing with the matter, it was our intention to bring it before Parliament at the earliest opportunity which the state of Public Business would permit.

PEPPING FOREST—DISTURBANCES AT
WANSTEAD FLATS.—QUESTION.

SIR HENRY SELWIN-IBBETSON asked the Secretary of State for the Home Department, Whether his attention has been called to the disturbances which took place at Wanstead Flats on Saturday last and the destruction of property which then occurred; and whether he proposes to take steps to prevent the recurrence of such riotous proceedings?

MR. BRUCE replied that no such disturbances as were at first anticipated took place. A meeting was held about half-a-mile from the place where the disturbance was expected, and it was conducted in the most orderly manner, the speakers urging that no act of violence should be committed, and the meeting concurring in that view. The meeting dispersed very quietly, and a large body of police, who had been sent to preserve order, also left. There was, on a different part of the common, a Volunteer review, and a considerable crowd remained watching the operations, and when the Volunteers left the field they were followed by the greater part of the lookers-on. A small body of men remained sitting upon some rails, which had been there for some 12 or 20 years, and which were not at all the subject of the present controversy. By some accident a portion of these rails were broken, and a disorderly mob employed itself in destroying a large part of the remainder. The few police who were on the ground did their best to prevent this, and a force of police had been left on the ground, sufficient to prevent the recurrence of any outrage. But he wished it to be understood that he did not connect the outrage with the proceedings of the meeting, which were perfectly orderly.

POST OFFICE—POSTAL COMMUNICATION WITH THE UNITED STATES.

QUESTION.

SIR THOMAS BAZLEY (for Mr. HADFIELD) asked the First Lord of the Treasury, Whether negotiations have been commenced with the Government of the United States for a Penny Postage between the two countries; and, whether that Government continues to be desirous of promoting the cheapest system of communication, as expressed through their late Envoy the honourable Reverdy Johnson, to this country?

MR. GLADSTONE replied, that in a recent discussion a pledge was given by the Government that there should be a communication with the Government of the United States in order to consider whether it would be practicable to further reduce the rates of postage between the two countries without undue charge upon the public Revenue. It had not been possible to make practical progress in the matter, for the Postmaster General considered that it would be best first to communicate verbally and informally with the United States Minister with the view of initiating more formal proceedings. Owing to the delay in the arrival of the United States Minister in England these communications had not yet taken place. He wished to correct an error into which he had inadvertently fallen on Friday last in answering a Question with regard to the French Treaty. He stated that a Bill had passed the French Assembly for certain purposes connected with the tariff. That was inaccurate, for the Bill, or *projet de loi*, was then only before the Assembly, but he was informed to-day by the Foreign Office that the measure had now actually passed.

ARMY—ARMY AND MILITIA RECRUITING.—QUESTION.

MR. M. T. BASS asked the Secretary of State for War, Whether the present system of recruiting for the Army and the Militia seems to him to be so satisfactory as to render it inexpedient to discuss or consider the practicability of introducing the Ballot or any other form of compulsory service, if only in a tentative form?

MR. CARDWELL : Sir, in a case of supreme necessity, the obligation to defend the country would be universal, and would no doubt be universally and readily responded to. But I am of opinion that, under ordinary circumstances, the country ought and would not submit to conscription in any form; and I believe that this is the general opinion of the House.

**PARLIAMENT—KNIGHTS OF SHIRES.—
DISQUALIFICATION OF "MEN OF THE
LAW."**

QUESTIONS. OBSERVATIONS.

MR. TOMLINE rose, on a question of Privilege, to ask Mr. Speaker, Whether it was within his knowledge that certain hon. Gentlemen sat on both sides of the House as Knights of the Shire, who were expressly disqualified from representing those constituencies by the clear words of an Act of Parliament? Two volumes of Revised Statutes were published last year, which the right hon. Gentleman the Prime Minister, in answer to a Question he (Mr. Tomline) put to him on a late occasion, told him were now the binding statute law of the land. The words contained in those statutes to which he alluded were—

"That no men of the law following business in the King's Courts shall be accepted or returned as Knights of the Shire."

That was a valid statute, and it was acted upon every year, for by that statute alone were sheriffs forbidden to represent their counties during the year of their shrievalty. This was not merely a question of Privilege, but it affected legislation. For instance, the noble Lord the Member for Middlesex (Lord George Hamilton) not long ago, in a division on a most important Motion affecting all classes of the country, was beaten by a majority of 2. The result of that division was to cast fresh rates and burdens on the country, and, if they examined the division list, perhaps they would find that the majority was obtained by the votes of men who were not entitled to give a vote in that House. But the matter had a wider application. There was no doubt—and the Prime Minister would not deny it—that there was great misery and discontent in England. Every year saw their taxes and rates increasing, and every year saw the

means of paying them diminishing; because they took in burdens 130,000,000 in sovereigns, shillings, and pence.

MR. SPEAKER : In simply putting a Question the hon. Member for Great Grimsby cannot enter into a long course of argument.

MR. TOMLINE said, then he had better conclude with a Motion which would enable the Law Officers of the Crown to address the House on the subject. He would, therefore, move that all Business be suspended until it had been ascertained whether any hon. Gentleman sitting and voting in that House as Knights of the Shire were expressly forbidden to represent those constituencies by the clear words of an existing Act of Parliament.

MR. SPEAKER : That is a Motion requiring Notice. The hon. Member for Great Grimsby can move formally the adjournment of the House.

MR. TOMLINE said, he would accordingly move "That that House do now adjourn."

Motion made, and Question proposed, "That this House do now adjourn."—
(*Mr. Tomline.*)

MR. SPEAKER : With regard to the substance of the hon. Member's inquiry, I should have been glad if he had informed me beforehand of his intention to ask the Question; although I do not know that at any time it would have been a proper Question to address to me, for it is rather a question of law, which might have been addressed to the Law Officers of the Government. It would have been a proper Question, perhaps, to have addressed to Lord Brougham when he represented Yorkshire; or to Sir John Rolt, when as Attorney General he sat for the county of Gloucester. The hon. Member will see that the practice has not at all run in conformity with the ancient Act of Parliament of Edward III., relating to returns to which I believe he refers. But such having been the practice of the House, if the hon. Member wishes to propose a question to the Law Officers of the Crown I will leave it to them to reply.

MR. GLADSTONE said, he would suggest that the hon. Member for Great Grimsby should, before discussing the question, communicate with the Law Officers of the Crown; and if he then wished to go into the matter, the most

convenient course would be to move for a Committee to inquire into the subject.

MR. G. BENTINCK said, he thought it would have been more satisfactory if the answer which had been given by the right hon. Gentleman the Prime Minister to his hon. Friend the Member for Great Grimsby had been a little more explicit. The statement of his hon. Friend went to this extent—that a considerable number of hon. Gentlemen were sitting in that House who were disqualified from doing so by Act of Parliament. He (Mr. G. Bentinck), therefore, begged to call the attention of the House to the condition into which it was brought by that state of things. Assuming the views of his hon. Friend were correct, every vote which was given in that House, and every measure which was passed, was invalidated.

SIR FRANCIS GOLDSMID said, he rose to Order. He wished to ask, Whether it was in Order, in opposition to the provisions of the Act relating to contested elections, to question the seat of any hon. Member, except in the form of an Election Petition?

MR. SPEAKER: The hon. Member for Great Grimsby is not questioning a Member's seat, but he is inquiring with reference to the application of an Act of Parliament, whether it is not inconsistent that certain hon. Members should sit and vote.

MR. G. BENTINCK resumed, and said he apprehended that he was in Order in addressing the House on the Motion of his hon. Friend the Member for Great Grimsby. He would only venture to suggest that that practice of rising to Order, when there was no cause for it, was simply a process of obstruction, and it should be put an end to directly. If it was a reprehensible practice, he was sorry to see hon. Members on the other side of the House freely indulging themselves in it. His hon. Friend had distinctly impugned, according to an existing Act of Parliament, the right of certain Members who occupied seats in that House. If his hon. Friend was correct in his view he (Mr. G. Bentinck) repeated that the votes of that House were at once invalidated, and he begged to ask the House in what condition it would find itself placed if they were to legislate on grave and important questions, and then find that the decision of that House was nugatory, and null and void, from the

fact that certain hon. Members were not qualified to vote. The right hon. Gentleman at the head of the Government suggested that the Question should be referred to the Law Officers of the Crown. That happened be one of those exceptional cases in which the words of the Act were so clear that it did not require any great ability to understand it. He would read four or five lines of the Act to which his hon. Friend had referred. These were the words of the Act, and he would appeal to any hon. Member of that House, whether it was possible, by any process of ingenuity or sophistry, to put any other construction upon it than it was intended to have. The Act bore the date of 1372, and his hon. Friend had already told them that the Act had had the confirmation of the authority of the right hon. Gentleman at the head of the Government, and the book he held in his hand contained the law of the land as it now stood. These were the words, and the passage was very short—

"It is accorded and assented by this Parliament that hereafter no man of the law following business in the King's Courts, nor any sheriff for the time he is sheriff, be returned or accepted Knights of the Shire."

It was impossible to put any other construction on those words, and his hon. Friend had told them that the law was practically enforced at every election. Was there any Member of that House who was prepared to say that the sheriff was bound by the provision of the Act in the case of a high sheriff, and was not bound in the case of a man of law? Was there anybody prepared to deny that? Therefore they wanted it to be ascertained which of the Members had a right to sit and which had not.

SIR GEORGE GREY said, he regretted that this Question had been raised without notice, and without the opportunity of referring to the statute. But, having listened attentively to the words read, it did not occur to him that they made the vote of the Member void in case he belonged to the profession of the law. They merely made it a disqualification of such a candidate from being returned. Not long since it was necessary for a county Member to have a qualification in land of £600, and for a borough Member of £300 a-year, but no one ever maintained that these qualifications should not be parted with, having been required for the express purpose

Mr. Gladstone

of the election; and no one ever pretended that the votes of Members could be questioned, or their seats challenged, on the ground of the want of such qualification not having been petitioned against. If the Act were still in force he would advise that the next gentleman of the long robe who was returned for a county should be petitioned against, and the question would be tried in the only way in which it could be tried—by reference to an Election Judge. He could not state offhand whether the statutory disqualification had been repealed, but he must say that to challenge the votes of hon. Members now sitting, who had not been petitioned against within the time allowed by law, was against both the letter and spirit of the law.

MR. NEWDEGATE said, he was under the impression that those hon. Gentlemen who sat and voted without having a right to sit and vote in the House were liable to very heavy penalties.

THE ATTORNEY GENERAL: I may relieve the apprehension of the hon. Member who has last spoken (Mr. Newdegate) because no person can be liable in penalties for sitting or voting in this House, unless they are prescribed by some Act, and as the Act he has cited does not prescribe any penalties, he may keep his mind at ease. I see several hon. Members of the legal profession around me, and I think they may also be easy in their minds, because I quite agree with the right hon. Baronet the Member for Morpeth (Sir George Grey), that their seats can be only questioned before a Committee of the House of Commons. [Several hon. MEMBERS: Before an Election Judge!] I ought to say before an Election Judge, because the functions of the Election Committee are transferred to a Judge. With respect to this Act of Parliament—whether it is repealed or not I will not say—it would have been desirable to have had a quarter of an hour's notice to consider it. I will not undertake to say that it has been repealed; but I will undertake to say that it is obsolete, and it ought to be repealed. I am speaking from recollection, and I may be wrong; but my impression is that Lord Coke—no mean authority in common law—sat for a county, and from that time to this there have been numerous instances of barristers sitting for counties. Lord Brougham has been mentioned by the Speaker, and Sir John

Rolt, who was Attorney General to the late Lord Derby's Government, and Sir Fitzroy Kelly both sat for counties, and I think there is another gentleman, the Solicitor General of the late Government (Sir Richard Baggallay) who now represents a county. Well, if these gentlemen are to be held as disqualified, the least thing we can do is to refer the question to a Committee. It appears to me that this Act is obsolete; it is possible it may have been repealed; if so, that will save all trouble; if not, the sooner it is repealed the better.

MR. STAVELEY HILL said, he would remind the House that the clause had been enforced not only with reference to counties, but also with reference to boroughs, and on one occasion lawyers had been altogether excluded from that House, and that was in the Parliament which sat at Coventry, and which was called the *Indoctum Parliamentum*. That was the origin of the saying, when lawyers met with a foolish man—"Send him to Coventry;" he, however, thought the Act in question was repealed by a statute of one of the Georges.

MR. TOMLINE said, the hon. and learned Gentleman the Attorney General had enumerated a great many instances. [*Cries of "Spoke, spoke!"*]

MR. SPEAKER: When a Motion is made for the adjournment of the House, an original Motion, no other Motion being before the House, an hon. Member has the right of reply. The hon. Gentleman the Member for Great Grimsby is therefore entitled to proceed.

MR. TOMLINE resumed. The only reply made by the hon. and learned Gentleman in his speech was to enumerate a great number of eminent lawyers who had broken the law as stated in clear English in the book of unrepealed statutes published only last year, and stated by the Prime Minister in his place here to be the valid and effective law of the land. The hon. and learned Gentleman complained that he (Mr. Tomline) had not given him a quarter of an hour's notice to read that book which was in possession of every hon. Member of the House. He would appeal to the House whether any other reply was given by the hon. and learned Gentleman as to the validity of the Act of Parliament, which was couched in the clearest English, and did not require the interpretation of a lawyer. It stated

that no man of law following his business had a right to be accepted and returned to that House, and, consequently, that he had no right to convert a minority into a majority at the expense of the people on whom he was not entitled to cast a burden of any kind. He was curious to know how the lawyers who were now sitting in that House, in violation of the Act, would act in the division which was about to be taken—

MR. SPEAKER: One of my duties is to remind hon. Members that they should address their argument to the Motion before the House. The Motion now is, "That this House do now adjourn." The remarks of the hon. Gentleman the Member for Great Grimsby are not applicable to his Motion.

MR. TOMLINE continued, and said he had heard hundreds of speeches made on a Motion for adjournment—and with the assent of the right hon. Gentleman in the Chair—which had no reference whatever to adjournment. No man could deny that night after night such speeches were made. He remembered the right hon. Member for Buckinghamshire (Mr. Disraeli) a very short time ago, moving an adjournment and making a very effective and eloquent speech on almost every subject but the adjournment. He might state that he had brought that question before the notice of the right hon. Gentleman as the guardian of the independence and privileges of the House, and he should now divide on the question of the adjournment that he might see whether those lawyers, who were within the four corners of that statute, would boldly infringe the plain terms of the law and vote contrary to its clear language.

Question put.

The House divided:—Ayes 13; Noes 236: Majority 223.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (re-committed) BILL—[BILL 103.]

(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*)

COMMITTEE. [*Progress 7th July.*]

Bill considered in Committee.

(In the Committee.)

Nomination and Election.

Clause 2 (Regulations as to election and nomination of Members.)

Mr. Tomline

MR. W. E. FORSTER rose to move in page 2, lines 13 to 18, to leave out sub-section 7, and insert—

"7. The candidate nominated in any nomination paper, and his proposer and seconder, and such persons not exceeding ten as the returning officer may allow, and no other persons shall be entitled to attend the proceedings to which this section applies."

At the last sitting the Committee passed sub-section 5, which arranged for the personal delivery of the nomination paper signed by ten subscribers. At present, a candidate required only a proposer and a seconder, and the reason why it was proposed to have ten nominators was that it was thought that number would afford security against fictitious or sham candidatures. On the former occasion it was said that it would be necessary to explain the phrase "duly qualified" electors, and he would bring up words to explain their meaning. He now came to sub-section 7. By that the ten subscribing electors were to make a personal delivery of the nomination papers to the returning officer at a fixed time and place to be appointed. No doubt, in municipal elections the system of sending nominations by post had worked well, but in Parliamentary elections it was thought that the electors would require greater security. It was also thought that there would be an advantage in all knowing who were the candidates, because the result might be that some would not stand who otherwise might have stood, and they would be less likely to have fictitious or useless nominations if the candidates and their principal supporters were brought face to face by the nominations being personally delivered at a fixed time and place to the returning officer, instead of being sent by post. It seemed to him, after the searching discussion of last Friday, that, while there was good reason for having ten subscribers, there was no reason why the ten should attend the meeting; all that was wanted was to insure that there should be a *bond fide* personal delivery of the nomination papers, and it was not designed that there should be anything like a public meeting. He, therefore, now proposed to repeal sub-section 7, by saying that instead of the ten subscribing electors being entitled to attend, the candidates and their proposers and seconders only should be entitled to attend. Another point had been referred to, and

that was as to the returning officer having power to admit as many persons as he should think fit. They thought that this would give too much power to the returning officer, and they would propose to alter the sub-section so as to give him power to admit certain persons, not exceeding ten, in addition to the candidates, the proposers, and seconders. It was also stated with some force that there might be a multiplication of nomination papers with ten signatures to them in order to obtain a meeting; but it was not likely that that multiplication would be resorted to if only two persons could attend to make such nomination. In conclusion, the right hon. Gentleman moved the Amendment of which he had given Notice.

Amendment proposed,

In page 2, line 13, to leave out the words "The ten subscribing electors to each nomination paper, and the candidate therein nominated, accompanied by any person whom he may select," in order to insert the words "The candidate nominated in any nomination paper, his proposer, his seconder."
—(*Mr. William Edward Forster.*)

MR. ASSHETON CROSS said, he must admit that the right hon. Gentleman the Vice President of the Council had overcome the difficulty in point of form; but he (Mr. Cross) did not quite understand whether the right hon. Gentleman intended that ten persons besides the proposer, seconder, and candidate were to be present on behalf of each candidate. [Mr. FORSTER: Ten in all; not ten for each.] In that case he (Mr. Cross) must take exception to the responsibility which the power of admitting ten persons would throw upon the returning officer, who, with the best intentions, would be sure to give dissatisfaction; and to the opportunity which would be afforded by this meeting for private arrangements to withdraw candidates, and thereby sacrifice the rights of independent and absent electors, any one of whom might now propose a candidate up to the last moment preceding the show of hands. The men composing the meeting would naturally talk, and they need not do anything for two hours. In that time a bargain might be made to withdraw a candidate on each side and to return "one and one," and when it was too late to make a nomination the astonished electors might be informed that the constituency had been saved the trouble of a contest. Without resorting

to bribery, it might be represented that a candidate had no chance of election; his expenses up to that time might be paid if he would withdraw; and it might even be arranged that he should contest some other place. All these views deserved consideration before they interfered with the existing system, which was at least conducive to peace after an election.

LORD HENLEY said, that while admitting that the Amendment was a considerable improvement on the original sub-section, he thought it would be better to omit it altogether. He should be glad to see nominations done away with. In the preceding sub-section it was provided that the nomination paper should be delivered by the candidate, his proposer, or seconder; and he could not see what more was wanted than that. Nothing more could be required beyond a certificate from the returning officer that the nomination had been properly made.

MR. BERESFORD HOPE said, he thought that it would still be possible to assemble 200 or 300 persons in the nomination room, under pretence that those persons were going to propose or second candidates. He thought that the nomination might be rendered more simple. He thought that some precaution should be taken—such, for instance, as the payment of money—to prevent sham candidates being proposed.

MR. W. E. FORSTER said, he would take this opportunity of saying that, after full consideration, the Government had decided to propose an Amendment in Clause 18, which provided that the expenses of elections should be a burden upon the rates. The Amendment would be, that each candidate should deposit a certain sum of money, which would be returned upon his polling a certain number of votes; whilst, if he failed to poll the requisite number, he should forfeit his deposit. He would put the Amendment on the Paper that night, so that there could be no doubt about it. In answer to the hon. Member for South-west Lancashire (Mr. A. Cross) he did not think that they were bound to guard against all the evils that existed under the present system. There was nothing in the present system to prevent improper arrangements being come to; but he maintained that such arrangements would be more likely to be come to at private interviews between the candi-

dates, than at a meeting where all the candidates and their representatives were present. The great object of the sub-section was to limit the number of persons who should attend at the time and place appointed; but if the Committee should not think that it was necessary to keep in this sub-section, he would not insist upon it. It could, however, be struck out now, and brought up hereafter on the Report, if thought necessary.

SIR LAWRENCE PALK said, he thought that the words "duly qualified" should be struck out, and simply leave in the word "electors," for all electors were qualified.

THE CHAIRMAN said, he must remind the hon. Baronet the Member for East Devon, that an Amendment of the clause had already been assented to by the right hon. Gentleman the Vice President of the Council.

SIR LAWRENCE PALK resumed, and said, he felt bound to protest against the whole scheme. All that was necessary was to have the nomination paper duly presented, and anything more than that would lead to hole-and-corner meetings, which above all things, ought to be avoided. As he understood, under the provision of that clause, no more than ten persons were to be allowed to be present at the nominations. He, however, wanted to know why the word "persons" should be used instead of electors?

MR. W. E. FORSTER said, he thought it was unnecessary to discuss the terms of the sub-section to which the observations of the hon. Baronet applied, inasmuch as he (Mr. Forster) had proposed that it should be withdrawn.

MR. G. B. GREGORY said, he thought that some difficulty might arise from the fact that the elector who signed the nomination paper would become the agent of the candidate.

MR. GOLDNEY said, the language of the right hon. Gentleman the Vice President of the Council, when introducing the Bill, went to show that the nomination ought to take place in open court and in a public manner. There ought, in his opinion, to be a provision requiring the returning officer, immediately after the nominations had taken place, to placard the same, with the names of the proposers and seconders, in a public place outside the building.

Mr. W. E. Forster

MR. W. E. FORSTER said, there was a provision for a public notice to that effect in Clause 19.

LORD HENLEY said, he would suggest the insertion of the words—

"That the returning officer shall deliver to the proposer and seconder a certificate stating that the candidate has been duly proposed," &c.

SIR GEORGE GREY said, that it was only a waste of time to discuss the terms of a sub-section of a clause that was to be withdrawn. It was, in his opinion, desirable that the electors generally outside, should know the names of the candidates, with their proposers and seconders, before the expiration of the two hours allowed for the nominations.

MR. HEYGATE said, that the apparent object of the sub-section was to put a limit to the number of persons to be present in the room, and speechifying on the occasion of the nomination. It seemed to him that the object of the right hon. Gentleman the Vice President would be frustrated unless the clause stated the number of persons that might be admitted who accompanied the proposer and seconder.

MR. CAVENDISH BENTINCK said, he would call attention to the fact that just before the Committee separated on Friday, an inquiry was made as to what the persons named in the 7th section were to do when they were admitted into the room. The right hon. Gentleman the Vice President of the Council had never given any answer to that inquiry. If they were to strike out the sub-section 7, they would be obliged to fall back entirely on the terms of sub-section 5, which was already passed. There was, then, nothing to prevent candidates addressing those who assembled before the returning officers, and thereby causing the occurrence of noise and disturbances, by persons disposed to create such scenes at other periods of the election than that of nomination. He wished to impress on the Government the danger of running headlong into crude and unwise legislation on this subject. If the Government had decided upon withdrawing this sub-section, they ought to state what they intended to propose upon the important point to which he had alluded.

MR. J. LOWTHER said, he entertained a grave objection to the withdrawal of this sub-section, and had endeavoured to support the Government in their proposal to do away with nomina-

tions—a practice which he thought was degrading to every person concerned. By withdrawing this sub-section the right hon. Gentleman the Vice President of the Council would seem to abdicate the position which he had occupied, and to land them again in the field of open nomination, for he presumed that a town hall would be considered a room. How could the candidates taking part in the nomination be controlled without sub-section 7? He, for one, should object to giving such a discretion to the returning officer as that proposed in reference to the admission of persons into the room on the day of nomination. He should, if necessary, divide against the withdrawal of the sub-section.

COLONEL BARTELOT said, although he objected to the omission of the sub-section, yet he was in favour of the principle of public nominations. What they wanted was to secure quietude as well as publicity at those nominations. He concurred in the suggestion of his hon. Friend the Member for Chippenham (Mr. Goldney), that the names of the candidates, their proposers, and seconds, should be published as soon as possible out-of-doors. In his opinion it was most unwise to have the business of nominations carried on in private.

MR. FAWCETT said, he wished to call the right hon. Gentleman the Vice President of the Council's attention to the point raised by the hon. Member for South-west Lancashire (Mr. A. Cross), as it was one which, in his opinion, demanded the most serious consideration. The Bill, as it was framed, did not provide against the collusive retirement of a political opponent. It appeared to him that the analogy which the right hon. Gentleman sought to lay down between the present system and that under the Bill was an utter failure.

MR. NEWDEGATE said, he considered that the effect of this clause would be to take the election out of the hands of the electors, and to place it in the hands of the returning officer. Sir George Lewis, in speaking against the Motion of Mr. Berkeley in 1858, said it would be impossible for the House to insist upon the secret Ballot, and showed that it really did not exist in the United States. He (Mr. Newdegate) concurred in that opinion, believing that a secret system of voting was wholly inconsistent with the habits and feelings of the Eng-

lish people, would give rise to corrupt practices, and would sow distrust amongst the great body of electors, who were to be excluded from the returning officer's room.

MR. W. H. SMITH said, he thought that the withdrawal of the sub-section, without the introduction of any other proposition, would lead to a singular difference of practice between counties and boroughs. In one case a returning officer would hold a public meeting; in another, he might refuse to admit any one to the room during the two hours he sat to receive nomination papers.

MR. C. B. DENISON said, he thought that the certain result of the two hours' limitation for nomination papers would be the holding back of many of those nominations until about five minutes before the expiration of the time.

MR. HENLEY said, that the more the subject was discussed the more it seemed certain—however right and good it might be on paper—that the proposed arrangement would be full of difficulties to work out. In short, he could not conceive it possible to devise anything more certain to produce riot and disturbance than the proposed arrangement. In places of large population, those of the electors or people who were opposed to the particular party likely to get elected would most probably display their hostility by blocking up the streets adjoining the place of nomination during the two hours which were allowed for it, so that the opponent would not be able to go to the room, without either making a riot or inducing other persons to do so. Then, again, if the returning officer were an angel, he would be subject to imputations of partiality, and it would be utterly impossible for him to prevent those scenes of excitement which would be sure to take place in consequence. Then, again, there could be no limit to the number of candidates, and any number of persons would have to be admitted into the room that the returning officer was to have, and which was styled in the Bill a “convenient” room; but this reminded him of what the veterinary surgeon wanted—“a convenient tub, big enough to bathe a horse.” Where the temptation was strong, there would always be people who would do anything to secure their ends, and under the proposed arrangement it was almost certain there would be plenty of rioting.

MR. W. E. FORSTER said, that human nature was not perfect, and certainly election human nature was less perfect than human nature generally. He protested against any kind of ingenuity and scheming being supposed to be likely to take place under the proposed system. The persons who wished to keep the present system were right in pointing out every possible difficulty; but he wished to ask those who wished to get rid of open nominations, to consider whether the difficulties that had been pointed out were reasonable or likely to occur. With regard to the possibility of an understanding being come to between candidates, that one of them should withdraw, he replied that ample facilities for making such an arrangement was afforded by the existing system, as under it a candidate need not retire until the last moment. This question, however, might be more fitly discussed on the next sub-section, relating to the power of withdrawal. The clause, as it originally stood, was not, in his opinion, open to much practical objection; but, on the other hand, he did not think it at all probable that there would be a noisy and uproarious meeting if sub-section 7 were omitted, and sub-sections 5 and 6 left to take care of themselves. By enacting that a nomination paper should be delivered at a certain time, all the evils of public nominations would be remedied, as he supposed that all that would be done would be that the candidate and his two supporters would hand in their nomination papers, shake hands with their opponents, and spend a pleasant two hours together. At municipal elections an hour was fixed after which nominations could not be sent in, and although in many places it was the custom not to deliver them until almost the last moment, he had never heard of disorder occurring on such occasions. With regard to the suggestion of the hon. and learned Member for Chippenham (Mr. Goldney), he did not think, on the first glance, it was necessary to adopt it; but if his hon. and learned Friend would draw up a form of words to carry out his views, he would give it the fullest consideration.

MR. BERESFORD HOPE said, that as a supporter of the Government proposals on the subject of nominations against the opinions of a considerable number of his Friends on that side of

the House, he had just heard with profound disappointment and great surprise the statement of the right hon. Gentleman the Vice President of the Council. Public nominations of the kind proposed would be more disorderly and turbulent than under the old system. The old system had a sort of business proceeding about it, by the reading of the Bribery Act, and the proposing and seconding the candidates in order, and which, to a certain extent, the returning officer could control. By the proposed plan, however, while the candidates were shaking hands with their opponents in the nomination room, there would probably be half-a-dozen speeches delivered at the same time in different parts of the room by their respective supporters, and the returning officer would have no power to keep order, but would merely have to sit still, like the toll-keepers on Waterloo Bridge, to receive the papers as they were handed in. The drift of the argument hitherto was that they had not gone far enough in the abolition of the old system of nomination. Its collective as well as its public character ought to be got rid of. He suggested that each candidate, with his friends, should appear before a justice of the peace for the county or borough, and, after giving proof of his identity, should execute a paper of nomination, which the justice might send, either by post or messenger, to the returning officer, who, at a certain time, would advertise or placard up a list of all the nominations. In that way, all the difficulties that had been suggested might be removed.

MR. W. FOWLER said, he hoped the right hon. Gentleman the Vice President would not withdraw this part of the clause; for if he did, they would find they had drifted back again to open nominations, when they would have noise and row similar to that which now prevailed at nominations.

MR. FLOYER said, he had failed to detect a single point in which the new plan was more advantageous than the old one. Hon. Gentleman talked about the old method of nomination being degrading; but he confessed his inability to perceive how it could be degrading for a candidate to present himself on the hustings before his constituency. As for the candidates being interrupted in their speeches, he would remind the Committee that they need not make

speeches at all. Indeed, if no speeches were delivered, and the several candidates were simply proposed and seconded, the whole business might be got through in ten minutes or a quarter of an hour. People would then know all about it, and everything would be done in a straightforward manner; whereas, the scheme now proposed must give rise to all kinds of suspicion. Under that scheme there would be disturbances, and if a riot did occur, he, for one, would rather be on the hustings than in a room.

MR. JAMES said, the Committee had decided that the old system of open nomination should be abolished, and all they had now to determine was what was the best system to adopt for the one they had condemned. Every system would find many objectors to it, and it was competent for them to raise up phantoms, and say such and such things might exist. It would be impossible to prevent the possibility of these things occurring, and they knew that it was impossible to repress evil-doing; but the occurrence of many of these possible things that had been enumerated would void the election. The clause in its present state, if carefully read, would be found to only enable a candidate, his proposer, and seconder, to attend before the returning officer, and deliver a piece of paper, and the returning officer would have as much right to turn a crowd out of the room as he would if they had gone into any private room of his house. If, however, they thought persons would commit that kind of outrage on the nomination day, the proper way to prevent it would be by passing a penal Act. It was idle to listen to objections that were not probable, but simply possible. It would be most unsatisfactory to adopt the suggestion of the hon. Gentleman the Member for Cambridge University (Mr. B. Hope). They must have a public or a private nomination. No middle course would be satisfactory. It would be better to strike out the 7th sub-section, and let the 5th and 6th remain.

VISCOUNT SANDON said, it appeared to him that by striking out the 7th sub-section the Government would leave the question as to publicity entirely to the chance of the returning officer, and according to his views on the Ballot, he would have a large or a small room for the nomination. By dropping this part

of the clause they would shirk the difficulty that presented itself. It was not desirable to leave a matter of this kind in the discretion of the returning officer.

MR. BROMLEY-DAVENPORT said, he was not particularly in favour of public nominations, his experience having led him to believe they were a nuisance. He and his hon. Colleague had been exposed on one or two occasions to not very pleasant proceedings, and he should rather have been in the front than on the hustings. They had passed an Act for the express and avowed purpose of preventing the buying of votes; but this Bill would provide a machinery whereby there would be the briskest possible traffic in candidates.

MR. J. LOWTHER said, he would submit a proposal which he hoped would remove the objections to the original sub-section and to its omission altogether. He would suggest the addition to sub-section 6 of the words "or shall be sent by post in the manner hereinafter provided"—namely, as objections to voters were now sent in registered letters.

MR. WALTER said, he thought it was very important that some words should appear on the face of the Bill, showing whether nominations were to be private or public. It was easy to define the character both of an open and a private nomination; but as the clause now stood it was doubtful whether these proceedings were to be open or private. The place appointed for them might be either the town hall or the town clerk's office; and how the private character of the nomination was to be maintained, and speechifying prevented in the former place, did not in the least appear.

MR. CAVENDISH BENTINCK said, he thought the observation of his hon. Friend the Member for Berkshire (Mr. Walter) very pertinent, and asked what was the construction put upon the language of the sub-sections by the Government themselves? If all that was necessary was to deliver a paper to the person, the sooner words to that effect were inserted the better.

MR. STAVELEY HILL said, he thought the case would be met by the omission of the sub-section, through which it would be easy to drive a coach and four.

dead to politics, because they had been successful in passing measures which were notoriously adverse to the expressed opinion of the people of England. ["No, no!"] He said "Yes." And he founded his assertion upon this — that they on that side of the House directly represented the majority of the English people. ["Oh, oh!"] All that hon. Members had to do was to refer to the details of the constituencies, and to the returns at the last General Election, in order to see that his statement was correct. Their majority was made up of the representatives of Scotland and of Ireland; the representatives of the majority of the people of England in that House were in a minority. And it was as one of the representatives of England that he thanked another English county Member, the hon. Member for Berkshire, for having proposed that Amendment. It was a proposal which fairly tested the meaning and true character of the Bill, because according to the justification that had been put forward by the right hon. Gentleman the Prime Minister for this measure, household suffrage ought to have been conferred upon the inhabitants of the counties before the Ballot could fairly be held requisite. That was held to be the position with respect to the boroughs. The Prime Minister stated that their having invested the borough householder with the franchise had entailed the necessity of giving him the Ballot. But there was no such reason, according to the lamentable view which the right hon. Gentleman took, for inflicting that evil, as he admitted it to be, upon the counties, as existed, according to his own showing, for inflicting it upon the boroughs. It was impossible to escape from the fact that the right hon. Gentleman himself was an unwilling convert, and that he was so convinced of the evil nature of that measure that he resorted to extraordinary means for forcing it through the House before the House had become fully aware of its nature. There was another distinction which had been taken by the hon. Member for Berkshire, and which was perfectly valid. The hon. Member said, that, whereas the qualification was so extended and reduced in the boroughs that every householder was to vote, therefore there was some justification for the argument of the right hon. Gentleman the Prime Minister that the Ballot would make a

less change in the boroughs than in the counties, because there was not so large a proportion of the inhabitants who would cease to be indirectly represented, when the Ballot was inflicted upon the boroughs, as there would be in the counties if the Ballot were to be adopted there. The distinction drawn by the hon. Member for Berkshire between Parliamentary and municipal election was also perfectly valid; and he could give the Committee an illustration of it. Formerly, the argument was advanced that in clubs the voting was all by Ballot, and that therefore the reasoners who used that argument went on to say, voting for political purposes ought also to be by Ballot. He remembered hearing that argument answered by the late Lord Palmerston and the late Sir George Lewis in that House—this was their answer. In the first place, that the object of elections to a club was totally distinct from the object of a Parliamentary election; for whilst the former only involved the choice of social companions the other involved the greatest political issues—issues affecting the entire community. The advocates of the Ballot were unwilling to admit the force of that argument, and persevered; but the Reform Club itself supplied an illustration which they could not resist. Formerly in that club the elections were by Ballot. That was a political club let them bear in mind; but they found the Ballot so inconvenient that they had abandoned it. ["No, no!"] He was only citing what Lord Palmerston said in his speech in 1863. Secret voting was found to be so inconvenient in the Reform Club that the members of the club appointed a committee to choose the future members of that club, just as a committee existed for the election of members in the Carlton, in the Conservative Club, and in every principal political club. ["No, no!"] Then, he supposed, those who belonged to the Reform Club had reverted to the Ballot. Well, if that was so, all he could say was that, at one period, the Ballot was found to be so inconvenient in the Reform Club that they abandoned the system of Ballot, and appointed a committee to select the future members of that club. And what was the observation of Lord Palmerston? Why, that they had reduced the Reform Club, so far as the election of its members was concerned, to the condition of

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a "close borough." And that was the condition of almost all political clubs in the present day. Perhaps the Reform Club, feeling the force of that reflection upon their consistency, might have since reverted to the Ballot; at any rate they had to abandon it, and the question remained, when were they going to abandon it again? He supposed as soon as ever some difficulty arose in the party, and the Ballot failed to afford scope for the exercise of secret influence. Just as was the case in the United States of America. Secret voting was tried there. The secret Ballot was adopted in several States until a covert machinery by which influential persons controlled the elections was found to exist under the Ballot, and thereupon the people of the States practically reverted to open voting. He held this — that the hon. Member for Berkshire was perfectly justified in his proposal, because Her Majesty's Government ought to have explained to him, either that they would, or that they would not, furnish themselves with the same excuse; for it was only an excuse for extending the Ballot to the counties, which they had done in the case of the boroughs. He remembered well what was the argument of the late Mr. Cobden upon that point. In the year 1852, Mr. Cobden stated that it was owing to the extreme dependence of the poorer voters in the manufacturing districts that he claimed the Ballot for them, if they were to be invested with the franchise. That was his argument, and that was the argument upon which the right hon. Gentleman the Vice President of the Council rested. It was upon this — that the householders in the manufacturing boroughs were so dependent upon their employers that they could not be safely and properly entrusted with the open exercise of the franchise. Now, he could understand a little hesitation on the part of the right hon. Gentleman. He did not like to pledge himself to the enfranchisement of the householders in the counties. And why? He was afraid that an influence might be exercised over them by the large landowners in counties, equivalent to that which he deprecated as existing and in operation in the manufacturing districts on the part of the manufacturers and their operatives. The hon. Member for Berkshire told them that they, the Conservative party, had no reason to fear the estab-

lishment of household suffrage in the counties; and in a party sense, he (Mr. Newdegate) perfectly agreed with him. But then he had another reason for objecting to that measure. The whole of that measure was introduced because the party opposite feared the progress and effects of democracy. ["Oh, oh!"] Do not tell him that that was not the case. He had heard the old Whigs for years deprecate the Reform Act of 1867 because of its democratic tendency. The hon. Member for Berkshire said, and he said truly, that if the people would not be contented in the counties, when they were no longer to be informed of the manner in which the electors voted, when they had no longer any knowledge, more than so many serfs, of the political action of their neighbours in a superior condition, then the unfranchised in the counties would be discontented. The hon. Member was quite right when he said, that if secret voting was enforced, there must arise a demand for household suffrage in the counties. And with that would come the demand for a new distribution of seats; for were the country cut into squares, they would no longer be able to withhold from the counties their just measure of representation. According to a sound calculation, there were at that moment 28 additional seats due to the counties; and if they introduced household suffrage into the counties — and he defied them to withhold it — if they enacted secrecy in voting, they must be prepared to give those 28 seats to the counties. That would become the measure of their demand, and he, for one, would be content with nothing short of full measure. He, however, deprecated the necessity for such a change. He agreed with the Whigs. He agreed with many sensible Liberals that the last Reform Bill was quite sufficiently democratic in its character; and that was one principal reason why he deprecated the passing of that measure. If, however, they passed that Bill, he, for one, would not be so unjust to the householders of his own county, and of every other county, as not to claim for them the right of being placed on a par in respect of household suffrage with the electors of the boroughs. Let them make no mistake. If they passed that Bill, the very ground on which they sought to enforce secret voting upon those who deprecated the democratic character of

the last Reform Bill would give them double reason to fear the democratic character of the next, and another Reform Bill would be inevitable. He, for one, was in favour of Reform so early as the year 1851, long before many Conservatives; but he did not desire to increase the democratic character of the representation. Let them pass the Ballot, however, and he should have no excuse for not demanding household suffrage for the counties. And when they had granted household suffrage in the counties, he should still tell every adult throughout the country—"Little as he might think them fitted for the possession of the franchise, yet Parliament had placed them in such a position that he should consider them degraded unless they demanded it." [*Cheers, and cries of "Oh!"*] Hon. Members might cheer and cry "Oh!" but he knew this—that the most thinking men among them had already deprecated the democratic changes that had been effected by the last Reform Bill. Over and over again in private had that opinion been expressed to him; and he thought there was justice in it. He agreed with M. de Tocqueville; he agreed with Lord Brougham—that the danger of that country was the tendency to an ultra-democratic form of Government. That tendency was dangerous everywhere. But he said this—pass that measure, and enable the present county electors to conceal their votes, and they would no longer be able to arrest the further progress in the descent towards democracy; and for that reason he should certainly vote for the Amendment of the hon. Member for Berkshire, which he thought was founded in reason, in the circumstances of the case, and in sound policy.

MR. STOPFORD-SACKVILLE said, that the only test to determine whether the Ballot was required as much in the counties as it was in the boroughs, was that furnished by the result of the county election Petitions as compared with that of those of the boroughs. Whereas many hon. Members had been unseated during the last 30 years in consequence of election Petitions having been presented against their return, such an event was very rare as regarded county Members. In his opinion, the Ballot ought to be adopted only in the case of those constituencies in which bribery and intimidation

had been proved to exist. The Ballot would be a stigma upon representative institutions, and he protested against that stigma being placed upon innocent equally with guilty constituencies.

MR. CORRANCE said, he thought they were greatly indebted to the hon. Gentleman opposite the Member for Berkshire (Mr. Walter), who had, to his mind, raised a question of extraordinary interest. He agreed with him to this extent—that the Ballot in the counties was not wanted. Admitting there was no bribery, and very little of what was popularly known as corruption, what did they want with the Ballot? He wished it had suited some of those silent hon. Gentlemen on that side to explain it. Now, he desired to be quite straightforward, for, at least, it was desirable to maintain the strength of open discussion in that Assembly. When the right hon. Gentleman the Vice President of the Council, in reply to the hon. Mover of this question, alluded to influence, there arose a general and sympathetic cheer from below the gangway. What did that cheer mean? Well, he would tell them how he interpreted it. It meant that in the counties Members were returned by landlords' interest. Well, he (Mr. Corrance) was not returned by landlords' interest, but by an independent tenantry and an independent townspeople. But was it so? There never was a more utter delusion. Why should a free tenantry wish to support them? Had they fairly asked themselves that question? Now, the hon. Gentleman who introduced that Motion fairly told them that the counties were at present unfranchised. Yes, and as arising out of that condition let him add unrepresented. In 1832 the borough interests usurped the political power of this country. They carried out the programme of the Commune, and they claimed the right to govern the country, upon what ground or principle? They claimed it in virtue of superior intelligence, greater political aptitude, higher origin. He was not going to contest the point of the old claim of those who governed; but what abstract right could they give them to govern? Nothing that tyrants had not possessed, or that would not, if pushed to its logical consequence, justify Negro slavery. Well, and what were its consequences? The Commune of that

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date was a Commune of the middle classes, and it legislated accordingly. It passed laws for the advantage of the middle classes of the Commune. It repealed the corn law, which he would not contest with them. It retained the malt tax, which he denied their right to do, and it relieved itself successively from the burdens of local and Imperial taxation. It did what all class legislation would do. It legislated to its own advantage. In 1867 they extended its peculiar privileges and its powers over the whole community, and that Commune was now one of the working classes. It was by the working classes of the large towns that England was now governed. Would they be less liable to seek their own advantage than the Commune, their predecessor? That, to them, was a vital question. They would seek it no doubt; and they knew that they would also sometimes seek it not altogether wisely. Now, objecting to that vast power conferred upon a part of the community, he would ask in what position would the Amendment of the hon. Gentleman the Member for Berkshire (Mr. Walter) place them? Why, it would simply leave them more completely in the hands of the irresponsible secret voting of that Commune, and he (Mr. Corrance) could not support his Motion. What difference could it make to them if they had not the Ballot, if such a power was conferred on those who practically governed them? In accepting that they sanctioned the principle he objected to. The hon. Gentleman had expressed his sense of the inequality of their electoral advantages, and the injustice done to the counties. His experience as one of the Boundary Commissioners gave weight to his objection. But, he (Mr. Corrance) thought, that entertaining that view he would at once perceive the emphatic objection to the partial application of the principle. His argument was against the whole Ballot, and its corrupt and tyrannical application.

Mr. LIDDELL said, he could not vote with his hon. Friend opposite (Mr. Walter) because he could be no party to establishing an inequality between different classes of voters, which could not for any length of time be maintained. If, like hon. Members opposite, he thought the Ballot a privilege, he should be unwilling to confine it to borough constituencies. But looking, as he did,

on the Ballot as a stigma on all the independent voters of the country, and as a mode by which they would encourage every electoral abuse under the veil of secrecy, he could not consent to impose it on the borough constituencies alone. His right hon. Friend (Mr. Forster), departing a little from his usual courtesy, said he should be curious to see how the county Members would vote on that occasion. He would not gratify his right hon. Friend's curiosity, because he meant to retire to that place where hon. Gentlemen went who wished to abstain from voting, as he did not wish to be a party to imposing the Ballot upon any part of the country.

COLONEL BARTHELOT said, he did not intend to go into any private room, but to go into the lobby and vote openly and most conscientiously with the hon. Member for Berkshire (Mr. Walter) on this very simple ground—that he was perfectly satisfied that, if the Amendment was carried, the Government would not go on with the Bill, because they would not place the counties in a different position from the boroughs in respect to the Ballot. If the Amendment was rejected, as very likely it would be, then he should vote against the entire clause, and show to the whole country that he would not impose the Ballot on the boroughs any more than on the counties, believing that in that matter publicity meant honesty and secrecy meant fraud.

VISCOUNT SANDON said, he felt it necessary as a borough Member, after the appeal made by the right hon. Gentleman the Vice President of the Council, to say a few words. Nobody who had heard the very interesting speech of the hon. Member for Berkshire (Mr. Walter) could help regretting that so important an Amendment as that, and one entitled to careful consideration, did not receive a more complete discussion. He knew that many hon. Gentlemen opposite were well qualified to throw light on the subject. The right hon. Gentleman the Vice President of the Council said that those who voted for the Amendment would vote for the Ballot in boroughs, though they were against it in counties. Now, he believed that the Ballot, although it would probably be of considerable benefit to the party to which he belonged, in the Northern parts of the country, would be

account of providing polling-places would be nothing; and if it were deemed inexpedient in all cases to take the school-house, the cost of hiring a room would be comparatively trifling. The payment of officials at polling-places was often large, and if the polling-places were multiplied that expense would unquestionably be great; but if his suggestions were adopted by the House, he would ask leave to supplement them by a clause limiting the payment to persons representing the State at elections; and the expenditure on that amount might be still further reduced by the adoption of his right hon. Friend's suggestion to employ parish officers in all cases when it was possible. Possibly, however, the expense would still amount to about £10 for every polling-place, but that would be compensated by a reduction in the cost of conveying voters to the poll. By a Return made in 1857 it appeared that in West Cumberland, where there were three candidates, the expense of conveying 3,482 voters was £1,890, or 11s. 6d. per head. In South Wilts, where there were three candidates, the expense of conveying 2,714 voters was £2,038, or nearly 15s. per head. In North Devon, where there were three candidates, the expense of conveyance was £2,832. In South Northamptonshire, where there were three candidates, the expense of conveying 3,225 voters was £3,843, or 21s. 9d. per head. There was, therefore, a sufficient margin for saving the expense of additional polling-places, and if the Amendment was agreed to he would not object to make the conveyance of voters as illegal in counties as it was in boroughs. The Government proposed to place the expenses on the rates, and the case then would be stronger than ever. What was the object of the proposition? It was simply this—to prevent poor candidates from being shut out from contesting constituencies by any illegal expenditure. But what use would it be to the poor man to have the expenditure put on the rates if the expense of conveying voters was to be borne by the candidates. As he had shown, a large amount was spent in such conveyance. It might be said by hon. Gentlemen opposite, make it illegal at once. But by doing so they would disfranchise a large number of voters. When the hon. Member for Oldham (Mr. Hibbert), in

1867, tried to make the expense of conveyance of voters illegal, that House consented to do so in the case of boroughs, but not in the case of counties, on the ground he had just mentioned. What he wished particularly to impress on the Committee was the present state of things in relation to counties. The present system of polling-places had been condemned as inefficient by everyone who had considered the subject, and it would be a disgrace to the House if some provision was not made for the removal of that injustice. That was no party matter, and because he considered the proposal which he had made fairly adapted to solve the question, he would submit it to the favourable consideration of the Committee. The hon. Baronet concluded by moving the insertion of provisions to the effect stated.

Mr. WELBY said, he supported the Amendment as a measure of justice to one of the most deserving portions of the county constituency, the small freeholder, who lived as poorly and worked as hard even as the labourer, and to whom time was actually money. That class had a stake in the country, and they should have a voice in the discussion of public affairs. Under the existing state of affairs it was extremely difficult to bring voters of the poorer class up to the poll; and if it were made illegal to pay the expenses of their conveyance the difficulty would be greatly increased, as in many cases they would stay at home, and thus the provision would, in a measure, have a tendency to virtually disfranchise them. Whether the franchise was to be considered a trust, a privilege, or a right, the voter was entitled to the fullest possible facilities for its exercise. He therefore hoped the right hon. Gentleman the Vice President of the Council would be prepared to accede to the principle of these clauses, and give some assurance that polling-places would be brought fairly within the reach of every voter, so that he might have the opportunity of recording his vote without being called on for an unfair sacrifice of his time.

Sir FREDERICK W. HEYGATE, speaking as an Irish Member, said, there was no part of that Bill which so entirely met his views as that which provided for a great multiplication of polling-places; yet there was no provision in the Bill which supplied that great

Sir Michael Hicks-Beach

want in Ireland. A large extension of polling-places would cure many of the evils now complained of. He well remembered when this subject was brought forward by Lord Mayo; and upon that occasion he did all he could to assist his noble Friend to obtain a clause multiplying the polling-places in Ireland. The right hon. Gentleman the President of the Board of Trade (Mr. C. Fortescue), the then Chief Secretary for Ireland, admitted that the evils alleged existed, and that although it was open to the magistrates to make application for increasing the number of polling-places the process was so difficult that it was practically inoperative. No provision was made on that occasion, and although so many years had since elapsed the grievance remained as it was. The county of Londonderry which he represented, with 6,500 electors, had only four polling-places; Sligo, with a very large constituency, had only three polling-places, and Donegal—where loughs, and mountains, and arms of the sea interposed—only four. He hoped the Government would not allow that opportunity to pass without making adequate provision for that state of things. A great boon would be conferred on the constituencies by bringing polls close to the voters. Moreover, that part of the community which was now practically disfranchised by the want of convenient polling-places was the part that was most entitled to consideration, as being frequently the oldest. An Amendment placed on the Paper by the hon. and learned Member for Tipperary (Mr. Heron), with reference to Ireland, proposed that every Petty Sessional division or subdivision should be a polling-place, so that in no case should an elector be more than four miles from the poll. He entirely agreed with that Amendment, except that he thought four miles to be too great a distance, especially seeing that the conveyance of voters was to be put an end to. By bringing the poll home to the voter personation under the Ballot would be rendered very much more difficult, and it would also tend to check that political indifference which had been predicted as one of the probable consequences of the Ballot. In conclusion, he hoped that the Government would seriously consider that Amendment, which had been proposed in no party spirit.

MR. M'CARTHY DOWNING said, that he had always hitherto opposed an increase in the number of polling-places in Ireland, but now that they were to have the Ballot he should oppose it no longer. In his own county he knew of one voter who had to go 25 miles to the poll. He could not support the Amendment in its present form, because he thought that far too much expense would be occasioned by compelling the authorities to erect a polling-place within two miles of every elector; but the reform it indicated was one that the Government ought to consider. He believed that all the Irish Members were in favour of an increase in the polling-places.

MR. STEPHEN CAVE said, he should support the Amendment, in consequence of his own experience. He testified to the successful operation of a measure, which he had carried in 1862, after defeating a Bill of the present Attorney General, prohibiting the conveyance of voters to the poll in boroughs. His measure provided for an increase in the number of polling-places in certain large agricultural boroughs. He referred to the results in the borough he represented (Shoreham), where, by an increase in the number of polling-booths from two to seven, the poll was brought within two miles of nearly every voter, the conveyance of voters to the poll almost ceased, although the prohibition in the Reform Act did not apply to it, and there was a saving to each candidate of £300 or £400, notwithstanding the cost of the additional polling-booths. It was impossible even now to prevent voters being taken up by gentlemen in their carriages and farmers in their carts, and therefore to prohibit the conveyance of voters, and at the same time restrict the number of polling-places was to place the poor man and the stranger at a disadvantage. Polling-places ought to be within reach of all voters, and he should have thought that such a provision would have been one of the first objects of the Government.

MR. ASSHETON CROSS said, he hoped the Government would accede to some such proposition as that submitted, because it was a great mistake to suppose that every person was really and seriously interested in a Parliamentary election, and the great thing was to create that interest; and in order to do that, and at the same time promote

uncontrolled freedom of election the country voter ought to be able to reach the poll with as little trouble as the town voter, and because the workman or labourer ought to be able to vote in his dinner-hour, without asking any privilege from his employer. The multiplication of polling-places would do more than anything else to check personation, and it would also diminish intimidation by dividing the people.

MR. W. E. FORSTER said, he agreed very much with what had just been said about the desirability of bringing the poll to the voter; indeed, the Government admitted the evils of the present system of polling. But they had not dealt with the polling in this Bill because it was large enough without it, and time was short; and although both sides were agreed in principle, the subject was not without difficulties of detail. He fully acknowledged it ought to be dealt with, but the Government considered it might be properly dealt with in an amendment of the Registration Act, which must come very soon. If the hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) would assent to the withdrawal of the clause he would undertake to consider the principle suggested, and if he found he could produce a clause which was likely to meet with general concurrence, he should be glad make the attempt. If, on the other hand, he found that to be impossible, the Government must look forward to dealing with the matter on a future occasion.

COLONEL WILSON-PATTEN said, he would venture to recommend his hon. Friend to withdraw the Amendment, if the Government undertook to consider the matter with a view to carry out its principle. Was the right hon. Gentleman willing to adopt schools as polling-places, and so prevent voters having to go more than three miles to the poll?

MR. W. E. FORSTER said, he was willing to make a real attempt to bring the polling-place home to the voter, though he could not make a pledge as to whether it should be two or three miles distant. Both in the interest of free voting and of education he should be glad to use the schools as polling-places, because voting would give the children not only a holiday, but also a lesson as to public duty. He could not, however,

undertake to assent to the proposal, which would require careful consideration by the Educational Department.

MR. DISRAELI said, there was not the slightest wish to trammel the Government with details. What was wanted was a distinct understanding with the Government that they accepted the principle of the proposition. That was all the Opposition asked, and nothing less could satisfy the House. They were willing that the Government should consider all the details before they submitted them for the approval of the House. In accepting the principle the House would expect them to carry into effect, in the legislation that was now under their notice, the Amendment on which the House had so strongly expressed an opinion.

MR. W. H. SMITH said, he would appeal to the right hon. Gentleman the Vice President of the Council to consider the case of large boroughs that were not agricultural. In one district of Westminster 5,000 voters had to go to one polling-booth, and it was impossible to prevent personation under such circumstances. At the election of the London School Board much delay and consequent confusion had been caused by the adoption of the Ballot, and a careful rearrangement of the polling-places was necessary. If there were provided a polling-place for every 500 electors, personation would be rendered practically impossible.

MR. G. B. GREGORY said, he thought that the Government should at the same time consider whether they could not provide a better and a less expensive mode for taking the votes of the outvoters for counties.

MR. LIDDELL said, he thought that the point respecting the proposed use of the schools in connection with that Bill was a very serious matter. He urged the Committee to consider the amount of expense and inconvenience that would be incurred by applying those schools to the purposes of elections. Each of the polling-places must be constructed to accommodate 1,500 voters. ["No, no!"] Yes; so, at all events, it was stated in the Bill. Well, ten retiring-places would be required in each school-room, involving a vast amount of wood-work, &c. He did not like the proposition by which those schools would have to sacrifice three or four days' instruction.

Mr. Assheton Cross

Mr. W. E. FORSTER said, he hoped the Committee would not debate clauses that were not as yet before them respecting those school-rooms. The proposal before the House was that the Amendment of the hon. Baronet the Member for East Gloucestershire (Sir Michael Hicks-Beach) should be withdrawn, on the understanding that the Government would consider it with the view of seeing how far its principles could be carried out. All he could say was, if those schools were likely to be exposed to the inconvenience described by the hon. Member (Mr. Liddell), he (Mr. Forster), in the interest of education, should be most unwilling to apply them to the use suggested.

LORD CLAUD HAMILTON, as an Irish representative, said, he must warn the Government against using the school-rooms in Ireland for the purposes of election. Owing to the unfortunate nature of the religious differences in the sister country, and to the fact that a large proportion of those schools in the South and West of Ireland were in the chapelyard, it would be impossible to make them polling-places without the greatest danger to the peace and security of the surrounding districts. He trusted that the right hon. Gentleman would seek the advice of Irish Members on this matter before agreeing to it.

Mr. DISRAELI said, he merely rose to prevent any misapprehension between them. His hon. Friend the Member for East Gloucestershire was quite ready to withdraw his Amendment upon the clear understanding to which he referred—namely, that it was the intention of Her Majesty's Ministers to deal with the subject, of course in the present Bill.

Mr. GLADSTONE: Yes; we shall propose new clauses on purpose.

SIR MICHAEL HICKS-BEACH said, as had been reported by his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), he was willing to withdraw his proposal, on condition that the Government should accept the principle it involved, and undertake to embody it in new clauses.

Amendment, by leave, *withdrawn*.

Clause 2, as amended, *agreed to*.

Mode of taking the Poll.

Clause 3 (Regulations as to polling).

Mr. BOURKE rose to move the Amendment of which he had given

Notice. His reasons for that proposal were chiefly two. In the first place, the arguments in favour of secret voting were, in his opinion, extremely insufficient and unsatisfactory. And in the second place, there was a great deal in the Bill which was commendable, and which it was therefore desirable to pass as soon as possible. All the arguments that had been used in favour of secret voting were founded on the alleged success of the practice in America and our Australian colonies. The hon. Member for Huddersfield (Mr. Leatham) drew a comparison—

THE CHAIRMAN: A Motion for the postponement of a clause is one in which the discussion is strictly limited to the consideration whether it should or should not be postponed. It is not competent for the hon. Member at that moment to discuss the Bill as a whole.

Mr. BOURKE said, he would submit that it was competent for him to go into the reasons why he thought it desirable that the clause should be postponed. Nothing could be more germane to the question than to consider the reasons hitherto adduced in favour of going on with those clauses. No one could have witnessed the system of secret voting in the United States without being convinced that such a system was pregnant with many evils. ["Question, Question!"] The question was, whether the principle of secret voting was to be discussed in that House or not.

THE CHAIRMAN: The question before the Committee is, whether Clause 3 is to be postponed until the other clauses of the Bill have been considered. I must ask the hon. Member for King's Lynn to bear that in mind, and to shape his arguments accordingly.

Mr. BOURKE resumed: Then as he understood the decision of the Chairman, it was not competent for him to enter into the question of secret voting, or of voting at all. There were many clauses of the Bill which it was desirable to pass into law with as little delay as possible. Those clauses were the provisions against the holding of committees in public-houses; provisions relating to nominations, in support of which he had voted with the Government; and the provision requiring candidates to make accurate returns of their expenses. It was also most desirable that the clauses pro-

viding for additional polling-places should be passed. When the question of secret voting came on to be discussed it was evident that it would occupy much of their time and attention. He believed that in the long run it would have the effect of stopping the passing of that Bill. It was, therefore, in his opinion undesirable that the clauses to which he had alluded should be linked with that relating to secret voting. But the friends of the Government were anxious that that Bill should pass, in order to save the Government from the disaster of failure in their efforts to carry any of their measures during a prolonged Session but a Dogs Bill and a Coercion Bill for Ireland. Now, he was anxious that this measure should pass, so far as the provisions to which he had referred were concerned, believing that it would accomplish something good for the country. But as to the principle of secret voting, no one had as yet said a good word for it. By adopting that course the Committee might purge the system of open voting of its present evils, and, to quote the words of the Prime Minister, enable the electors to "discharge a noble duty in the noblest manner." He would, therefore, move—

"That Clause 3 be postponed, and that the subsequent clauses relating to the Ballot be postponed till the remainder of the Bill is considered by the House."

MR. W. E. FORSTER characterized the proposal as a most extraordinary one, and remarked that it left the principal feature of the Bill untouched. The hon. Gentleman's real desire was to pass the Ballot Bill without the Ballot; but that was not the desire of Her Majesty's Government, and he felt assured the Committee would not seriously entertain the proposition.

SIR JOHN HAY confidently expressed his belief that "Repeal of the Ballot Bill" would be the most popular cry in the country at the next election. The majority of hon. Members in the next Parliament would, he felt convinced, concur in the opinion he had just expressed.

MR. CHARLEY supported the Amendment, as he thought it desirable at once to discuss the question of throwing the expenses of elections upon the constituencies. That ought not to be prejudiced by the introduction of the question of the Ballot. The question of

abolishing nominations, too, he thought was one remaining to be fairly considered.

MR. CORRANCE also supported the Amendment. Many hon. Members on that side were in favour of many parts of the Bill, but could not vote for them if they were coupled with the Ballot, that boon to cowardice and corrupt public conduct. He trusted the Government would accept the Amendment, in order that they might ascertain the real opinion of the Committee on the more important parts of the Bill.

MR. LOCKE said, he must remark, on the contrary, to the opinion of the hon. Gentleman who had last spoken (Mr. Corrance), that the Ballot was the chief feature of the Bill, all those portions which related to other subjects being of minor importance. To postpone this clause of the Bill would be like performing the play of Hamlet without the appearance of the principal character.

Question put, "That the Clause be postponed."

The Committee *divided*:—Ayes 134; Noes 210: Majority 76.

MR. WALTER, in rising to move, in page 3, line 14, after the words "taking the poll" the insertion of the words "in boroughs," the effect being to exclude counties from the operation of the clause, said, he entertained not the smallest objection to the introduction of the Ballot in municipal elections, for he believed that there were peculiar reasons why secret voting was much more applicable in the case of municipal than of Parliamentary contests. A municipal contest afforded a far greater scope for the exercise of feelings of a purely personal character than did elections for Parliament, and ought to be decided by considerations with which party spirit and politics had nothing whatever to do. He did not intend to offer any opposition to the application of the Ballot to boroughs. He would assume, for the purpose of his argument, that that secret voting clause was substantially carried; but it was with regret that he came to that conclusion. It was, in his opinion, at no small cost to their political system that a very large body of their electors, numbering, perhaps, 50 per cent. of the whole, were to be henceforth not only permitted to change their former mode

Mr. Bourke

of open voting for secret, but were to be compelled to do so; or, in other words, that they were to be restrained from the only mode open to them of publicly giving effect to their political opinions. He thought that a misfortune, though he was not saying that it was not justified by the circumstances under which they lived. He also thought it a misfortune that the great mass of the electoral body—to use the words of the right hon. Gentleman at the head of the Government—were no longer to be permitted “to perform a noble duty in the noblest manner.” He was willing to admit that with respect to boroughs the Ballot was a necessary evil, and he was content to see it included in that class of necessary evils in which their legislation of late years had been so fruitful. He might add, moreover, that he could have wished, for the purpose of a first experiment, that the Ballot had been tried in that portion of the United Kingdom which had been the theatre of so many necessary evils. His object now in addressing the Committee was partly to explain the vote he purposed to give on this clause, and partly to afford Her Majesty’s Government an opportunity of stating the intentions, which he had no doubt they had, with regard to other clauses of that new Reform Bill which were not included in the provisions of this Bill, but which he took to be its inevitable and necessary result. The ground on which he founded the distinction which he drew between counties and boroughs with respect to secret voting was very simple; it was the old constitutional ground, which he was sorry to see rather disparaged by some Liberal speakers—that the franchise was a trust. That was not an old-fashioned Tory doctrine, as some people imagined; it was not merely the doctrine of such statesmen as Sir Robert Peel and Lord Palmerston, but was the expressed opinion of the latest American authorities. Were it not that he was unwilling to trouble the Committee with extracts, he could read the opinions of the latest American constitutional authority, who laid down the doctrine that the franchise was what he called “a trust power,” and expressly distinguished it from any right of a personal character. Now, he would put it to the Committee in this way. Supposing the franchise were restricted to electors possessing not less

than £100 a-year, would any hon. Member of the Committee contend for a moment that the Ballot could be demanded by electors of that class, or that, if demanded, the demand would for a moment be listened to? Only 40 years ago voting was practically secret in that House, and the publication of votes was introduced by a strong advocate for the Ballot. It might be said that from the connection between Members of the House of Commons and their constituents it was necessary that voting in that House should be open. But in the other House the voting was open, though it was not of a representative character. This admission, however, might be fairly made—and he would venture to call the attention of the right hon. Gentleman at the head of the Government to it—that in proportion as the franchise was lowered, so was its trust character as regarded the public at large diminished; and in a state of universal suffrage he did not think the doctrine of trust, considered not with reference to the man himself, but to society, would be of any great value. Now, they had reduced the franchise in boroughs to what he believed to be the lowest practical level—namely, household suffrage, and, therefore, with regard to boroughs he was content to take it, as had been predicted some years ago by Mr. Cobden, that the moment they came down to household suffrage they must have the Ballot. But they had still in the counties a great body of householders—the labouring class—who were still unenfranchised. They held pretty much the same position with respect to the electoral body—the £12 householders and those above them—that those £12 householders held to the £50 tenant-farmers and others before the last Reform Bill. If that Bill was to become law, was that great body of county householders to remain unenfranchised? He should be glad to have an answer from the Government on that point. For his own part he would say that, so long as the great body of the county householders were unenfranchised, he would never consent to give the Ballot to the £12 householders. It was quite sufficient for them to have the franchise as it was. There was, no doubt, a certain sense of responsibility attached to open voting which secret voting destroyed; and he, for one, was not prepared to give to the

£12 householder not only the benefit of the franchise, but the great additional control and power which the Ballot would bestow on him. Therefore, the point for which he had raised this discussion was to ascertain from Her Majesty's Government whether they were prepared, as a just and necessary consequence, to extend the franchise to all county householders? That was a consummation which hon. Gentlemen opposite had no cause whatever to be alarmed at. The immediate consequence of extending the county franchise to the agricultural labourers—that was, to all householders in counties, would be that it would lead inevitably to a sub-division of counties, for with a household suffrage for counties, he did not conceive it possible to maintain the present system of small boroughs with large county divisions. When the right hon. Member for Buckinghamshire (Mr. Disraeli) was in office he did him (Mr. Walter) the honour to appoint him one of the Boundary Commissioners, and the practical conclusion left upon his mind was, that large agricultural boroughs ought to be abolished, and a system much more like electoral districts substituted. Those were the two results which, in his opinion, were invariably bound up in that Bill. He thought the Government to blame in having so far precipitated that measure—which was not in the least called for that year—as not to allow themselves time to frame a measure which would include what he regarded as its necessary accompaniment, and form, in fact, a supplemental measure to the last Reform Bill. If the Government would give an assurance that before the next dissolution they were prepared to carry a Bill which should remedy the gross injustice he had pointed out, he would support that clause; if not, he declined to vote for it; but he promised, to the best of his ability, to leave no stone unturned to get the additional accompaniments to which he had referred introduced as the corollaries of this Bill at the earliest possible time. In conclusion, he would beg to move the Amendment of which he had given Notice.

Amendment proposed, in page 3, line 14, after the words "taking the poll," to insert the words "in boroughs."—*(Mr. Walter.)*

Mr. Walter

Mr. W. E. FORSTER said, he was not disposed to think that his hon. Friend the Member for Berkshire (Mr. Walter) was of opinion that the Government would accept the Amendment, which would restrict what they believed to be the beneficent operation of the Bill to the boroughs; nor would the Committee be surprised if they declined to be drawn at this time into a discussion as to whether there should or should not be a new Reform Bill, with household suffrage in counties. They had considerable work to do in discussing this Bill as to the mode of voting, and they must decline to enter into the further most important question as to who was to vote and for whom. When his hon. Friend gave as a reason why the Ballot should not be extended to counties, that he thought it enough that the £12 householders in the counties should have the franchise as it was, and was not prepared to give them the further power the Ballot would bestow, he must say that was not the feeling of the Government. The Government were prepared to give the £12 householder the power which the Ballot would bestow on him—namely, the power of voting according to his own free will and his own conscience, independently of any influence that might be brought to bear upon him. ["Hear, hear!"] Because a man was a £12 householder, that was no reason why he should not have the power of voting freely. On the second reading they had not so much as in former times entered into the question why the Ballot should be extended to the counties. But that was not because they did not think that it was wanted in counties. He could hardly think his hon. Friend wished to do more than put his views before the Committee, or that he meant to go to a division. In case his hon. Friend did go to a division he would look with some interest to the votes hon. Gentlemen opposite would give, because if they were to support the Amendment that would imply that they accepted the Ballot for boroughs. Many persons would be willing to take half a loaf when they could not get a whole one; but he trusted hon. Gentlemen would not this time take half the loaf when they could get the whole of it.

Mr. BERESFORD HOPE said, he very much admired the innocence of his right hon. Friend the Vice President of

the Council. The right hon. Gentleman was a practised politician, and was in training to be a very good Leader of the House; but it was a rather extraordinary statement to make, that hon. Gentlemen were not to ameliorate a Bill as much as possible in Committee. The principle of their whole Parliamentary system was that hon. Gentlemen might vote for Amendments in Committee without any compromise of principle at all, simply to make a Bill as good as they could, or to try and mitigate the evils. For his own part, he (Mr. Hope) should vote for the Amendment, though not from the point of view of the hon. Member for Berkshire (Mr. Walter), as he did not wish to see the county suffrage extended. He did not think that agricultural labourers, whatever might be their merits, were so large minded as to be the very best trustees of the governing power of the country. A hundred £12 householders would probably have among them a larger amount of political intelligence than a thousand of those who did not belong to that class; and as he regarded the suffrage as a means, if not an end—as a machinery for producing the best legislature—it was from no contempt or dislike for, or from any desire to keep under, the uneducated voters, but simply from a desire to get the best legislature, that he was opposed to any further extension of the county franchise. Though opposed to secret voting, he should vote for the present Amendment; because, if he had to take a nauseous dose, he preferred to take a pint of it to a quart, and for that reason he preferred a pint to a quart of the Ballot.

Mr. NEWDEGATE said, it was with great pleasure that he found the hon. Member for Berkshire (Mr. Walter), unlike some other hon. Members, had the courage to express his opinion, and that Her Majesty's Government had not been able to include him in the dumb caucus to which they had reduced their party. He thought that the proposal of the hon. Member for Berkshire was eminently reasonable. Either that was, or that was not, a new Reform Bill. Well, if it was not a new Reform Bill, it was evidently the precursor of another Reform Bill; it was perfectly evident from the whole of the argument of the First Minister of the Crown, that that measure or its sequel ought to proceed to reduce the qualifications of voters in

counties to household suffrage, because the argument of the right hon. Gentleman in favour of secret voting rested entirely on the reduction of the qualification in boroughs to householders. That was the sole ground on which the right hon. Gentleman had advocated that measure. He said that it was a necessary evil, meaning that it was the consequence of a preceding evil, which preceding evil was the reduction of the electoral qualification within the boroughs from a £10 occupation to household suffrage. That was the sole argument of the right hon. Gentleman, and that justified the hon. Member for Berkshire in describing that measure, as one of the many evils which the Government regarded as consequent upon previous evils. How they deduced that consequence had never been explained; and if they were to understand the speech of the right hon. Gentleman the Vice President of the Council to mean anything, it meant that it was their policy not to explain; it was their policy not to give their reasons for the present measure. That was the ground which the right hon. Gentleman had taken up as he (Mr. Newdegate) understood it; but it entailed upon them, in contesting that Bill, the duty of warning the country that they ought to demand those reasons. He held, too, that hon. Members on that side of the House were perfectly justified in any amount of opposition which they might offer, because nothing could be more factious than the conduct of the Government themselves. Of all the instances of misconduct that he could remember in any Leader of that House, there was no parallel to the manner in which the right hon. Gentleman the present Prime Minister had convened his party with the object of coercing the House of Commons. ["Oh!" and "No!"] He said deliberately, that all the taunts of faction addressed to them reacted with double force on Her Majesty's Government. They were endeavouring to defend the independence of the House of Commons against the deliberately factious course which had been adopted by the right hon. Gentleman the Prime Minister. He had adverted to that previously; and he intended, so far as his humble powers enabled him, that that should reach the country. He knew that hon. Members opposite believed that the country was

dead to politics, because they had been successful in passing measures which were notoriously adverse to the expressed opinion of the people of England. ["No, no!"] He said "Yes." And he founded his assertion upon this — that they on that side of the House directly represented the majority of the English people. ["Oh, oh!"] All that hon. Members had to do was to refer to the details of the constituencies, and to the returns at the last General Election, in order to see that his statement was correct. Their majority was made up of the representatives of Scotland and of Ireland; the representatives of the majority of the people of England in that House were in a minority. And it was as one of the representatives of England that he thanked another English county Member, the hon. Member for Berkshire, for having proposed that Amendment. It was a proposal which fairly tested the meaning and true character of the Bill, because according to the justification that had been put forward by the right hon. Gentleman the Prime Minister for this measure, household suffrage ought to have been conferred upon the inhabitants of the counties before the Ballot could fairly be held requisite. That was held to be the position with respect to the boroughs. The Prime Minister stated that their having invested the borough householder with the franchise had entailed the necessity of giving him the Ballot. But there was no such reason, according to the lamentable view which the right hon. Gentleman took, for inflicting that evil, as he admitted it to be, upon the counties, as existed, according to his own showing, for inflicting it upon the boroughs. It was impossible to escape from the fact that the right hon. Gentleman himself was an unwilling convert, and that he was so convinced of the evil nature of that measure that he resorted to extraordinary means for forcing it through the House before the House had become fully aware of its nature. There was another distinction which had been taken by the hon. Member for Berkshire, and which was perfectly valid. The hon. Member said, that, whereas the qualification was so extended and reduced in the boroughs that every householder was to vote, therefore there was some justification for the argument of the right hon. Gentleman the Prime Minister that the Ballot would make a

less change in the boroughs than in the counties, because there was not so large a proportion of the inhabitants who would cease to be indirectly represented, when the Ballot was inflicted upon the boroughs, as there would be in the counties if the Ballot were to be adopted there. The distinction drawn by the hon. Member for Berkshire between Parliamentary and municipal election was also perfectly valid; and he could give the Committee an illustration of it. Formerly, the argument was advanced that in clubs the voting was all by Ballot, and that therefore the reasoners who used that argument went on to say, voting for political purposes ought also to be by Ballot. He remembered hearing that argument answered by the late Lord Palmerston and the late Sir George Lewis in that House—this was their answer. In the first place, that the object of elections to a club was totally distinct from the object of a Parliamentary election; for whilst the former only involved the choice of social companions the other involved the greatest political issues—issues affecting the entire community. The advocates of the Ballot were unwilling to admit the force of that argument, and persevered; but the Reform Club itself supplied an illustration which they could not resist. Formerly in that club the elections were by Ballot. That was a political club let them bear in mind; but they found the Ballot so inconvenient that they had abandoned it. ["No, no!"] He was only citing what Lord Palmerston said in his speech in 1863. Secret voting was found to be so inconvenient in the Reform Club that the members of the club appointed a committee to choose the future members of that club, just as a committee existed for the election of members in the Carlton, in the Conservative Club, and in every principal political club. ["No, no!"] Then, he supposed, those who belonged to the Reform Club had reverted to the Ballot. Well, if that was so, all he could say was that, at one period, the Ballot was found to be so inconvenient in the Reform Club that they abandoned the system of Ballot, and appointed a committee to select the future members of that club. And what was the observation of Lord Palmerston? Why, that they had reduced the Reform Club, so far as the election of its members was concerned, to the condition of

Mr. Newdegate

a "close borough." And that was the condition of almost all political clubs in the present day. Perhaps the Reform Club, feeling the force of that reflection upon their consistency, might have since reverted to the Ballot; at any rate they had to abandon it, and the question remained, when were they going to abandon it again? He supposed as soon as ever some difficulty arose in the party, and the Ballot failed to afford scope for the exercise of secret influence. Just as was the case in the United States of America. Secret voting was tried there. The secret Ballot was adopted in several States until a covert machinery by which influential persons controlled the elections was found to exist under the Ballot, and thereupon the people of the States practically reverted to open voting. He held this — that the hon. Member for Berkshire was perfectly justified in his proposal, because Her Majesty's Government ought to have explained to him, either that they would, or that they would not, furnish themselves with the same excuse; for it was only an excuse for extending the Ballot to the counties, which they had done in the case of the boroughs. He remembered well what was the argument of the late Mr. Cobden upon that point. In the year 1852, Mr. Cobden stated that it was owing to the extreme dependence of the poorer voters in the manufacturing districts that he claimed the Ballot for them, if they were to be invested with the franchise. That was his argument, and that was the argument upon which the right hon. Gentleman the Vice President of the Council rested. It was upon this—that the householders in the manufacturing boroughs were so dependent upon their employers that they could not be safely and properly entrusted with the open exercise of the franchise. Now, he could understand a little hesitation on the part of the right hon. Gentleman. He did not like to pledge himself to the enfranchisement of the householders in the counties. And why? He was afraid that an influence might be exercised over them by the large landowners in counties, equivalent to that which he deprecated as existing and in operation in the manufacturing districts on the part of the manufacturers and their operatives. The hon. Member for Berkshire told them that they, the Conservative party, had no reason to fear the estab-

lishment of household suffrage in the counties; and in a party sense, he (Mr. Newdegate) perfectly agreed with him. But then he had another reason for objecting to that measure. The whole of that measure was introduced because the party opposite feared the progress and effects of democracy. ["Oh, oh!"] Do not tell him that that was not the case. He had heard the old Whigs for years deprecate the Reform Act of 1867 because of its democratic tendency. The hon. Member for Berkshire said, and he said truly, that if the people would not be contented in the counties, when they were no longer to be informed of the manner in which the electors voted, when they had no longer any knowledge, more than so many serfs, of the political action of their neighbours in a superior condition, then the unenfranchised in the counties would be discontented. The hon. Member was quite right when he said, that if secret voting was enforced, there must arise a demand for household suffrage in the counties. And with that would come the demand for a new distribution of seats; for were the country cut into squares, they would no longer be able to withhold from the counties their just measure of representation. According to a sound calculation, there were at that moment 28 additional seats due to the counties; and if they introduced household suffrage into the counties — and he defied them to withhold it — if they enacted secrecy in voting, they must be prepared to give those 28 seats to the counties. That would become the measure of their demand, and he, for one, would be content with nothing short of full measure. He, however, deprecated the necessity for such a change. He agreed with the Whigs. He agreed with many sensible Liberals that the last Reform Bill was quite sufficiently democratic in its character; and that was one principal reason why he deprecated the passing of that measure. If, however, they passed that Bill, he, for one, would not be so unjust to the householders of his own county, and of every other county, as not to claim for them the right of being placed on a par in respect of household suffrage with the electors of the boroughs. Let them make no mistake. If they passed that Bill, the very ground on which they sought to enforce secret voting upon those who deprecated the democratic character of

the last Reform Bill would give them double reason to fear the democratic character of the next, and another Reform Bill would be inevitable. He, for one, was in favour of Reform so early as the year 1851, long before many Conservatives; but he did not desire to increase the democratic character of the representation. Let them pass the Ballot, however, and he should have no excuse for not demanding household suffrage for the counties. And when they had granted household suffrage in the counties, he should still tell every adult throughout the country—"Little as he might think them fitted for the possession of the franchise, yet Parliament had placed them in such a position that he should consider them degraded unless they demanded it." [*Cheers, and cries of "Oh!"*] Hon. Members might cheer and cry "Oh!" but he knew this—that the most thinking men among them had already deprecated the democratic changes that had been effected by the last Reform Bill. Over and over again in private had that opinion been expressed to him; and he thought there was justice in it. He agreed with M. de Tocqueville; he agreed with Lord Brougham—that the danger of that country was the tendency to an ultra-democratic form of Government. That tendency was dangerous everywhere. But he said this—pass that measure, and enable the present county electors to conceal their votes, and they would no longer be able to arrest the further progress in the descent towards democracy; and for that reason he should certainly vote for the Amendment of the hon. Member for Berkshire, which he thought was founded in reason, in the circumstances of the case, and in sound policy.

MR. STOPFORD-SACKVILLE said, that the only test to determine whether the Ballot was required as much in the counties as it was in the boroughs, was that furnished by the result of the county election Petitions as compared with that of those of the boroughs. Whereas many hon. Members had been unseated during the last 30 years in consequence of election Petitions having been presented against their return, such an event was very rare as regarded county Members. In his opinion, the Ballot ought to be adopted only in the case of those constituencies in which bribery and intimidation

had been proved to exist. The Ballot would be a stigma upon representative institutions, and he protested against that stigma being placed upon innocent equally with guilty constituencies.

MR. CORRANCE said, he thought they were greatly indebted to the hon. Gentleman opposite the Member for Berkshire (Mr. Walter), who had, to his mind, raised a question of extraordinary interest. He agreed with him to this extent—that the Ballot in the counties was not wanted. Admitting there was no bribery, and very little of what was popularly known as corruption, what did they want with the Ballot? He wished it had suited some of those silent hon. Gentlemen on that side to explain it. Now, he desired to be quite straightforward, for, at least, it was desirable to maintain the strength of open discussion in that Assembly. When the right hon. Gentleman the Vice President of the Council, in reply to the hon. Mover of this question, alluded to influence, there arose a general and sympathetic cheer from below the gangway. What did that cheer mean? Well, he would tell them how he interpreted it. It meant that in the counties Members were returned by landlords' interest. Well, he (Mr. Corrance) was not returned by landlords' interest, but by an independent tenantry and an independent townspeople. But was it so? There never was a more utter delusion. Why should a free tenantry wish to support them? Had they fairly asked themselves that question? Now, the hon. Gentleman who introduced that Motion fairly told them that the counties were at present unenfranchised. Yes, and as arising out of that condition let him add unrepresented. In 1832 the borough interests usurped the political power of this country. They carried out the programme of the Commune, and they claimed the right to govern the country, upon what ground or principle? They claimed it in virtue of superior intelligence, greater political aptitude, higher origin. He was not going to contest the point of the old claim of those who governed; but what abstract right could they give them to govern? Nothing that tyrants had not possessed, or that would not, if pushed to its logical consequence, justify Negro slavery. Well, and what were its consequences? The Commune of that

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date was a Commune of the middle classes, and it legislated accordingly. It passed laws for the advantage of the middle classes of the Commune. It repealed the corn law, which he would not contest with them. It retained the malt tax, which he denied their right to do, and it relieved itself successively from the burdens of local and Imperial taxation. It did what all class legislation would do. It legislated to its own advantage. In 1867 they extended its peculiar privileges and its powers over the whole community, and that Commune was now one of the working classes. It was by the working classes of the large towns that England was now governed. Would they be less liable to seek their own advantage than the Commune, their predecessor? That, to them, was a vital question. They would seek it no doubt; and they knew that they would also sometimes seek it not altogether wisely. Now, objecting to that vast power conferred upon a part of the community, he would ask in what position would the Amendment of the hon. Gentleman the Member for Berkshire (Mr. Walter) place them? Why, it would simply leave them more completely in the hands of the irresponsible secret voting of that Commune, and he (Mr. Corrance) could not support his Motion. What difference could it make to them if they had not the Ballot, if such a power was conferred on those who practically governed them? In accepting that they sanctioned the principle he objected to. The hon. Gentleman had expressed his sense of the inequality of their electoral advantages, and the injustice done to the counties. His experience as one of the Boundary Commissioners gave weight to his objection. But, he (Mr. Corrance) thought, that entertaining that view he would at once perceive the emphatic objection to the partial application of the principle. His argument was against the whole Ballot, and its corrupt and tyrannical application.

Mr. LIDDELL said, he could not vote with his hon. Friend opposite (Mr. Walter) because he could be no party to establishing an inequality between different classes of voters, which could not for any length of time be maintained. If, like hon. Members opposite, he thought the Ballot a privilege, he should be unwilling to confine it to borough constituencies. But looking, as he did,

on the Ballot as a stigma on all the independent voters of the country, and as a mode by which they would encourage every electoral abuse under the veil of secrecy, he could not consent to impose it on the borough constituencies alone. His right hon. Friend (Mr. Forster), departing a little from his usual courtesy, said he should be curious to see how the county Members would vote on that occasion. He would not gratify his right hon. Friend's curiosity, because he meant to retire to that place where hon. Gentlemen went who wished to abstain from voting, as he did not wish to be a party to imposing the Ballot upon any part of the country.

COLONEL BARTTELOT said, he did not intend to go into any private room, but to go into the lobby and vote openly and most conscientiously with the hon. Member for Berkshire (Mr. Walter) on this very simple ground—that he was perfectly satisfied that, if the Amendment was carried, the Government would not go on with the Bill, because they would not place the counties in a different position from the boroughs in respect to the Ballot. If the Amendment was rejected, as very likely it would be, then he should vote against the entire clause, and show to the whole country that he would not impose the Ballot on the boroughs any more than on the counties, believing that in that matter publicity meant honesty and secrecy meant fraud.

VISCOUNT SANDON said, he felt it necessary as a borough Member, after the appeal made by the right hon. Gentleman the Vice President of the Council, to say a few words. Nobody who had heard the very interesting speech of the hon. Member for Berkshire (Mr. Walter) could help regretting that so important an Amendment as that, and one entitled to careful consideration, did not receive a more complete discussion. He knew that many hon. Gentlemen opposite were well qualified to throw light on the subject. The right hon. Gentleman the Vice President of the Council said that those who voted for the Amendment would vote for the Ballot in boroughs, though they were against it in counties. Now, he believed that the Ballot, although it would probably be of considerable benefit to the party to which he belonged, in the Northern parts of the country, would be

extremely demoralizing to the nation generally. Entertaining that belief, he felt bound to confine those demoralizing influences within as narrow a circle as possible; and therefore he would restrict the Ballot to the boroughs, although he might regret that the borough he represented would be one of the victims. With regard to the Ballot being likely to affect the county representation, he thought hon. Gentlemen opposite were too much influenced by obsolete traditions as to the power of the squire and the parson—old “bogies” of the past, who had ceased to be the objects of terror which they were to their fathers before them, because many hon. Gentlemen opposite were themselves squires and the fathers of the parsons who were supposed to do such infinite mischief. If those hon. Members would look more to the future and less to the musty records of the past, they would see that the influences which threatened to shatter the framework of modern society, and which they had to guard against, were of a very different character from those wielded either by the squire or the parson.

MR. GROVE said, he could state from his own experience that the counties required the Ballot quite as much as the boroughs. The 40s. freeholders were entirely dependent on the squires and large farmers, and were coerced to a great extent in respect to their votes.

MR. COLLINS said, he could not understand why the counties should be excepted from the Bill for the benefit of the Whigs—very respectable men in their way, discharging a great constitutional function in Parliament, but forming a most unpopular class in counties. It was very well known that the effect of the Ballot in counties would be to return more Radicals and more Tories, but no Whigs; and he was not surprised that some anxiety should be felt for the future by those who sympathized with the Whigs. If, however, the borough electors were required to go in a sneaking underhanded way to the poll, there was no reason why electors outside boroughs should not be obliged to do the same; so if the Amendment were carried he should move to add “and counties.”

MR. WALTER said, he regretted that the Government had not been more explicit in stating its reasons for object-

ing to his proposal, which he justified on the ground that, although borough electors were no longer a privileged class in consequence of the reduction of the franchise, county electors continued to be so; and the unenfranchised county resident had a right to know how his privileged neighbours exercised the public trust of the franchise. When the county franchise was reduced to the lowest limit the sense of public trusteeship would cease, and he would then willingly assent to the Ballot being applied to county elections.

Question put, “That those words be there inserted.”

The Committee *divided*:—Ayes 142; Noes 240: Majority 98.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

METROPOLITAN TRAMWAYS PROVISIONAL ORDERS SUSPENSION BILL.

On Motion of Mr. CHICHESTER FORTESCUE, Bill to enable the Board of Trade to dispense with certain provisions of “The Tramways Act, 1870,” in respect of certain Provisional Orders, *ordered to be brought in by Mr. CHICHESTER FORTESCUE and Mr. ARTHUR PEEL.*

Bill *presented*, and read the first time. [Bill 236.]

EAST INDIA (BISHOPS’ LEAVE OF ABSENCE) BILL.

On Motion of Mr. GRANT DUFF, Bill to enable Her Majesty to make regulations relative to the Leave of Absence of Indian Bishops on furlough and medical certificates, *ordered to be brought in by Mr. GRANT DUFF and Mr. ADAM.*

Bill *presented*, and read the first time. [Bill 237.]

INTOXICATING LIQUORS LICENCES SUSPENSION BILL.

On Motion of Mr. Secretary BRUCE, Bill to restrict, during a limited time, the grant by Justices of the Peace of New Licences and Certificates for the sale of Intoxicating Liquors by retail, *ordered to be brought in by Mr. Secretary BRUCE and Mr. WINTERBOTHAM.*

Bill *presented*, and read the first time. [Bill 234.]

SUNDAY OBSERVATION ACT AMENDMENT BILL.

On Motion of Mr. Secretary BRUCE, Bill to amend the Law with respect to Prosecutions for Offences against the Act of the twenty-ninth year of the reign of King Charles the Second, chapter seven, intitled “An Act for the better Observation of the Lord’s Day, commonly called Sunday,” *ordered to be brought in by Mr. Secretary BRUCE and Mr. WINTERBOTHAM.*

Bill *presented*, and read the first time. [Bill 235.]

Viscount Sandon

CUSTOMS AND INLAND REVENUE BILL.

Acts read; considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law relating to the Customs Duties and Inland Revenue.

Resolution reported: — Bill ordered to be brought in by Mr. BAXTER and Mr. WILLIAM HENRY GLADSTONE.

Bill presented, and read the first time. [Bill 238.]

House adjourned at half after
Two o'clock.

HOUSE OF LORDS,

Tuesday, 11th July, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Railway Regulation Amendment* * (253); *Sewage Utilization Supplemental* * (254); *Election Commissioners' Expenses* * (255).

Second Reading—*Public Libraries (Scotland) Act (1867) Amendment* (241); *Public Health (Scotland) Supplemental* * (227); *Kingsholm District Boundary* * (215); *Clerk of the Peace* * (180).

Committee—Report—*Union of Benefices Acts Amendment* * (219); *Ecclesiastical Titles Act Repeal* (184).

Third Reading—*Burial Grounds* * (231); *Life Assurance Companies Act (1870) Amendment* * (243); *Gas and Water Provisional Orders Confirmation* * (244); *Courts of Justice (Additional Site)* * (218), and *passed*.

PUBLIC LIBRARIES (SCOTLAND) ACT
(1867) AMENDMENT BILL—(No. 241.)

(The Earl of Airlie.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF AIRLIE, in moving that the Bill be now read the second time, said, that the Bill had been brought in to remedy some defects which had been found to exist in the Public Libraries Act (Scotland) 1867, and to give additional facilities to the local authorities to whom was intrusted the management of those institutions. Under the existing law, while the rate which might be raised by a library committee was restricted to one penny in the pound, the power of borrowing was unlimited; and the result was that although corporations could borrow plenty of money for other purposes, they could only obtain money for the purposes of a library by

paying a high rate of interest for it. It was proposed by the present Bill to limit the amount to be borrowed to one-fourth of the amount of the rate, and to extinguish the debt by means of an annual sinking fund equal to at least one-fiftieth part of the money so borrowed. It was also proposed to incorporate in the present Bill the provisions of the Commissioners' Clauses Act 1847, instead of the provisions already incorporated, of the Companies' Clauses Act, which were inapplicable, as they applied to joint-stock companies, and did not apply to bodies having charge of public libraries. Then, under the existing law, there was power to make bye-laws and rules, but no power to enforce them. It was now proposed to give that additional power, and to simplify the mode of procedure for recovering such fines and penalties as could now be imposed. A provision was also inserted in the Bill authorizing the Committee of Management to lend books, and to make and issue catalogues. The Bill had received the approval of the Government and of various public bodies in Scotland which were interested in public libraries.

LORD COLONSAY suggested that a provision should be inserted in the Bill for the auditing and publication of the accounts of the Commissioners.

THE EARL OF AIRLIE expressed his willingness to add such a clause to the Bill, and hoped the noble and learned Lord would assist him in framing it.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Monday next.

ECCLESIASTICAL TITLES ACT REPEAL
BILL—(No. 184.)—COMMITTEE.

(The Lord Chancellor.)

House in Committee (according to Order).

EARL RUSSELL said, that when he introduced the measure about to be repealed in 1851, he did so because it was then his impression, and that of the country in general, that a great change was to be inaugurated, which made it necessary to assert the Queen's authority in some effective and formal way. The Act accordingly asserted that authority, and imposed a pecuniary penalty upon those who assumed territorial titles without the authority of the Crown; but he took care to insert a

provision that the penalty should not be sued for except with the consent of the Law Officers of the Crown—thus preventing the institution of vexatious informations and prosecutions, and providing that the law should not be enforced unless the Queen's authority was openly set at defiance. He considered that the Act had fully answered the end for which it was intended. There had been no ostentatious assumption or assertion of such titles, and no persons had suffered from its enactment, for no penalties had been sued for, and the Act for the purpose of inflicting fines remained a dead letter; and while the authority of the Queen had been asserted, no suffering had been incurred. At the present time—more especially as the Irish Church had been disestablished, it was quite right that these penalties should be repealed. He could not, however, assent to the assertion made in the Preamble, that titles of this kind were only regarded as “titles of office.” This was not the view of the Roman Catholic Bishops, or of any Roman Catholic lawyer in this country; for they had repeatedly asserted before Committees of both Houses that the only persons having spiritual and real jurisdiction over the inhabitants of the places to which the titles referred were the Roman Catholic Prelates, and that the person calling himself Bishop of London, for instance, had no proper jurisdiction over London, it being part of the diocese of the Archbishop of Westminster. If, however, the noble and learned Lord on the Woolsack thought it proper to state in the Preamble that such titles were only assumed by Prelates as titles of office relating to their connection with their own adherents, he saw no harm in it. It was only adding another fiction to the thousand fictions already existing in the English Law; and as there were a Thousand-and-One Arabian Nights, there might as well be a thousand-and-one legal fictions. If any person thought it conduced to his dignity or authority to assume a title which, according to this Bill, was not assumed by any proper authority and which rested on no legal basis, no great harm would be done by such an idle assumption, any more than by a man styling himself Duke of Westminster without possessing any legal claim to such a title. The reasons which existed in 1851 for passing the Act

Earl Russell

having now passed away, he gave his willing assent to its repeal.

EARL STANHOPE said, that though when the noble Earl introduced the Bill in the House of Commons he entirely concurred in its provisions, and gave it his support, subsequent circumstances had proved to him that the Bill was in operation a mere nullity, and that it would be advisable that it should be repealed. The Bill had proved inoperative, for not only had the prohibited titles been publicly assumed, but no penalties had been inflicted or even sued for; and though in one sense it was true, as stated by the noble Earl, that nobody had suffered, it was urged by accredited representatives of the Roman Catholics in both Houses that the Act was most offensive to their feelings. Feeling the statute to be obnoxious to many and useful to none, he obtained the appointment of a Select Committee of their Lordships to consider the matter; but his view, though supported by a considerable minority of the Committee, was not adopted by the majority, and the Act would probably remain unrepealed but for the fact, which could not have been foreseen at the time of its passing, that some Bishops of our own persuasion would come under its provisions. Since therefore the Act did no good to one party, and inflicted pain on others, he thought the time had come when it should be repealed.

LORD LYVEDEN said, he was glad to think that he opposed the Act in 1851 at every stage, deeming it wholly unnecessary and little creditable to a country where religious liberty prevailed. It had proved a *brutum fulmen*; but though the penalties had never been enforced, it had done great mischief in Ireland.

THE LORD CHANCELLOR said, it would be unmanly if he did not avow that when the measure was first proposed it had his hearty concurrence. He had at that time no anticipation of holding office; but afterwards, as Solicitor General, he had charge of it in the House of Commons. He then supported the Bill because he regarded it as a properly-timed and desirable measure; for a certain distinguished person, a subject of this realm, acting under the authority of a foreign Power, had introduced a change in the entire system of management of the Roman Catholic Church in this kingdom. Until the issue of the

famous Letter from the Flaminian Gate the different districts were under Vicars General, who usually bore the name of a place wholly unconnected with the locality, and had special charge of the Roman Catholics within the districts, no mention being made of governing the districts themselves. In that Letter a person professing to act under a foreign authority announced that he governed whole districts—an assumption of power which would never have been tolerated before the Reformation or long after it, our Statute Book being full of Acts repressing such a power. Therefore, he thought that a distinct declaration of the law was required. He should have been content with a mere demonstration and declaration of the law, and he admitted that the paltry penalty of £100 was a great mistake, though it was borrowed from the Emancipation Act of 1829. In his opinion, it was expedient to make a legislative declaration of the law in order that our Roman Catholic brethren should know the exact position in which they stood, and that the Pope, who was then and had ever since been on terms of amity with us, should not be misinformed as to the state of public opinion, but should be told what the state of our law was, and how far he was infringing it if he authorized such assumptions. At the present time it was right to recite the exact state of the law, and the assertion in the Preamble objected to by the noble Earl was inserted, not as a statement of fact, but of law, so that it might be understood that as “titles of office” these titles were not prohibited, but that the assumption of any jurisdiction or authority within these realms was prohibited as heretofore.

LORD ORANMORE AND BROWNE said he was at a loss to know why the noble and learned Lord consented to the repeal of the Bill, seeing that the Pope had recently claimed greater authority than he had done at any former period.

Bill reported without Amendment, and to be read 3^a on *Thursday* next.

CHILDREN'S EMPLOYMENT COMMISSION—BRICKFIELDS—THE FACTORY ACTS.

MOTION FOR AN ADDRESS.

THE EARL OF SHAFTESBURY, in rising to move an Address to the Crown relative to the state of children em-

ployed in brickfields, said: My Lords, this numerous class is excluded, only by a technicality, from the protection enjoyed by children engaged in other occupations, and yet they stand as urgently in need of legislative care. Your Lordships will perhaps remember that, in 1842, after the Factories Act had been in operation a few years, I moved for a general inquiry into the employment of children and young persons in various departments of trade. That Commission made its Report, and upon it certain remedial measures were granted; and in 1862 I moved for a renewal and an extension of the Commission and for further inquiries, several trades having in the meanwhile risen up and others having become extinct. The result of their inquiries was the passing of the Factories Act Extension Act and the Workshops Act; and I am glad to be able to say that for both these beneficial measures the country is indebted to both sides of this and the other House, and to the Governments which have respectively done their best to enact these laws. When, however, the trades to be included in the operations were to be settled, the children and young persons engaged in the manufacture of bricks and drainage-tiles—for what reason I cannot say—were excluded, those employed in pottery and porcelain works alone being included. Now, the state of things existing in the brickfields has risen to such a height of cruelty and abomination that a cry has gone forth through the whole country, and I most earnestly appeal to your Lordships to step in and arrest it. I shall not require much time to prove my case. I will only cite the evidence drawn from the Reports of the Commissioners, the Report of Mr. Inspector Baker, and a pamphlet by George Smith, of Coalville, near Leicester, the zealous and long-tried friend of these sufferers, and who has himself been a lad in the brickfields, and has described what he endured during his childhood. The brickyards in this country number about 3,000; there being more in some parts of the country than in others, and the number of children and young persons employed in them amount to nearly 30,000, their ages varying from 3½ to 17. A very large proportion of them, especially in the Midland districts, are females; and the hours during which they are kept to

this monstrous toil are from 14 to 16 per day. Such being their tender age and their sex, I feel sure that your Lordships, after I have produced some illustrations on unquestionable evidence of the cruelty and hardship to which these persons are exposed, will readily assent to my Motion. I will first quote the evidence of Mr. Smith, who has worked in a brickyard for many years. Here are his words—

"As a child and lad I have myself gone through what thousands are going through to-day. It is the very bondage of toil, and a home of evil training. When seven years of age I was employed in making bricks. At nine years of age my employment consisted in continually carrying about 40lb of clay upon my head from the clay heap to the table on which the bricks were made. When there was no clay I had to carry the same weight of bricks. This labour had to be performed, almost without intermission, for 13 hours daily. Sometimes my labours were increased by my having to work all night at the kilns."

In a yard which he described were several children,

"Mostly nine to ten years. They were of both sexes, and in a half-naked state. Their employment consisted in carrying the damp clay on their heads to the brickmakers, and carrying the made bricks to the 'floors' on which they are placed to dry. Their employment lasts about 13 hours daily, during which they traverse a distance of about 20 miles. It may be asked why the Inspector did not interfere? He could not, the Act not applying to establishments in which less than 50 persons are employed. . . . As a further proof of the severe and extremely heavy nature of the toil undergone by the children, I would submit to your inspection a lump of solid clay, weighing 43lb. This, in a wet state, was taken a few days ago from off the head of a child nine years of age, who had daily to walk a distance of 12½ miles, half that distance being traversed while carrying this heavy burden. The clay was taken from the child, and the calculation made by me, in the presence of both master and men."

To give an idea of the physical effects, Mr. Smith continued—

"I had a child weighed very recently, and although he was somewhat over eight years of age, he weighed but 52½lb, and was employed carrying 43lb weight of clay on his head an average distance of 15 miles daily, and worked 73 hours a week. This is only an average case of what many thousands of poor children are doing in England at the present time, and we need not wonder at their stunted and haggard appearance, when we take into account the tender age at which they are sent to their Egyptian tasks."

Your Lordships will understand that Mr. Smith's testimony may be received without the slightest hesitation, for it has been before the public for some time and has been circulated in the brick-yards, while nobody has ventured to

gainsay it. The description given by Mr. Smith applies to what is actually being done and suffered by thousands of children at the present moment. Can, then, your Lordships wonder at their degraded condition, when you consider the tender age when they are condemned to such an Egyptian bondage? Let us now take the evidence, quoted by Mr. Inspector Baker, of a master brickmaker, as to what he has seen in many yards but has corrected in his own. This is a specimen he gives of the work—

"Those who carry clay to the moulders, called clay carriers, remove on an average 20 lb to 40 lb of clay on the head and about 10 lb to 20lb in their arms; say one of 10 years old, carrying in all 30 lb of clay, each journey of 40 yards, and traversing 250 journeys per day, removing 3½ tons a distance of 40 yards daily, walks 4½ miles in doing it and 4½ miles back; walks three miles in 'rearing,' 'gorming,' and 'hacking' the bricks, and, on an average, two miles going to and returning from work, giving a total distance traversed by the younger clay carriers of 14 miles."

I will next quote the observations of a distinguished American writer, a distinguished and venerable man of whom your Lordships must have heard, Mr. Elihu Burritt. Speaking of a little girl about 13 years of age, whom he saw during an inspection of the fields, he said—

"She first took up a mass of the cold clay, weighing about 25 lb upon her head, and while balancing it there, she squatted to the heap without bending her body, and took up a mass of equal weight with both hands against her stomach, and with the two burdens walked about a rood and deposited them on the moulding bench. No wonder, we thought, that the colour in her cheeks was an unhealthy flush. With a mass of cold clay held against her stomach, and bending under another on her head, for 10 or 12 hours in a day, it seemed a marvel that there could be any red blood in her veins at all. How such a child could ever grow an inch in any direction after being put to this occupation was another mystery. Certainly not an inch could be added to her stature in all the working days of her life. She could only grow at night and on Sundays."

Now this is not exaggerated by an hair's breadth. Indeed, from my own personal observation I can state that it is under the mark in regard to the abominations which are practised. But, mark, my Lords, the fact mentioned—"a mass of cold clay held against the stomach," and this for many consecutive hours during the day by poor little females just emerging into puberty. The thing is horrible. The

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moral results are such as may be expected. Let us again hear Mr. Smith—

"Of course, the natural results ensue. Ignorance and immorality prevail to a fearful extent among the workmen and children so employed. How could it be otherwise? All goodness and purity seems to become stamped out of these people, and were I to relate what could be related, the whole country would become sickened and horrified."

The master brickmaker bore the same testimony in equally strong language. These are his words—

"But there are often phases of evil connected with work in brickyards and clay yards generally which I must not overlook, especially the demoralizing effects ever accruing from the mixed employment of the sexes. A flippancy and familiarity of manners with boys and men grow daily on the young girls. Then, the want of respect and delicacy towards females exhibits itself in every act, word, and look, for the lads grow so precocious, and the girls so coarse in their language and manners from close companionship at work, that in most cases the modesty of female life gradually becomes a byword instead of a reality, and they sing unblushingly before all, while at work, the lewdest and most disgusting songs till oftentimes stopped short by the entrance of the master or foreman. The overtime work is still more objectionable, because boys and girls, men and women, are less under the watchful eye of the master, nor looked upon by the eye of day. All these things—the criminality, levity, coarse phrases, sinful oaths, lewd gestures, and conduct of the adults and youths, exercise a terrible influence for evil on the young children."

The whole may be summed up in the words of Mr. Inspector Baker, who has so judiciously and calmly carried the present Act into operation, and who, after visiting these brickfields, deeply regretted their exclusion from the beneficial provisions of the Act—

"I consider the employment of children in brickyards absolutely cruel, and that the degradation of the female character in them is most complete. I have known parents in receipt of two, three, and four pounds a-week send their children out to work at clay works, for a few shillings per week, hung in rags, while the parents themselves rioted at home in luxuries and drink."

My Lords, shall we ever hear again the old objection, so often rung in our ears, that children may, in the matter of labour and wage, be safely left in the arms of parental kindness? I trust, never. My Lords, I will add the testimony of my own experience. I went down to a brickfield and made a considerable inspection. On approaching I first saw at a distance what appeared like eight or ten pillars of clay, which, I thought, were placed there in order to indicate how

deep the clay had been worked. On walking up I found to my astonishment that these pillars were living beings, They were so like the ground on which they stood, their features were so indistinguishable, their dress so besoiled and covered with clay, their flesh so like their dress, that until I approached and saw them move I believed them to be products of the earth. When I approached they were so scared at seeing anything not like themselves that they ran away screaming, as though something Satanic was approaching. I followed them to their work, and there I saw what Elihu Burritt has so well described. I saw little children three parts naked tottering under the weight of wet clay, some of it on their heads and some on their shoulders, and little girls holding up their shifts with large masses of wet, cold, and dripping clay pressing on the abdomen. Moreover, the unhappy children were exposed to the most sudden transitions of heat and cold; for after carrying their burdens of wet clay they had to endure the heat of the kiln and to enter places where the heat was so fierce, that I was not myself able to remain more than two or three minutes. Can it be denied that in these brickfields men, women, and children, especially poor female children, are brought down to a point of degradation and suffering lower than the beasts of the field? No man with a sense of humanity or with the aspirations of a Christian could go through those places and not feel that what he saw was a disgrace to the country, and ought not for a moment to be allowed to continue. Therefore, my Lords, I hope that not a day will be permitted to pass until an Address is sent up to the Queen, praying Her Majesty to take the condition of these poor people into her gracious consideration, in order that such abominations may be brought speedily to an end. Let it not be said that these things are the result of poverty and necessity. No doubt there is much poverty and necessity—I have myself seen too many cases—but confirming the words of Inspector Baker, avarice, and where poverty does not exist, profligacy have stifled all the feelings of nature, and these poor children are sent to slave in the brickfields in order that they may minister to the luxury and rapacity of their parents. On this point the master brickmaker said—

"I have known parents in receipt of two, three, and four pounds a week send their children out to work in the clayfields for a few shillings per week, hung in rags, while the parents themselves rioted at home or in the pothouses, in every form of beastly excess."

When children are thus treated by the parents it is time for the State to come forward and stand in the place of the parents, and rescue the children in the earliest stage of what must otherwise be a life-long degradation. I need not urge further arguments in support of my Motion. In these days, when the right of every child to be educated is no longer contested, I am certain that the benefit of that just and humane provision will not be denied to these small and helpless sufferers. The principle of State protection to those who are unable to protect themselves has been admitted over and over again, as well as that they are entitled to such a limitation of the hours of labour as will enable them to enjoy some physical repose, and acquire the elements of education. I do not believe that in the whole of England a person can now be found to question that right. It has also been proved that the Factories Act has worked, in every instance, for the benefit both of the employers and the employed. The employers now admit that they have suffered none of the evils which some of them anticipated from the Acts; and the employed, on their side, admit that under the present limitation of the hours of labour, labour so far from having lost its price has risen in value. I may mention that this very day I have received a letter from a very high authority saying that the limitations of the Factory Acts have been brought into operation in the Middlesex yards, and in some of the yards in Kent, with this result—that the work done by the men is not only better, but is greatly increased in quantity, because the effect of the limitation of the hours of labour and of the regular, but restricted attendance of the children, is that no time can be thrown away or lost in idleness. It seems to me, moreover, to be a matter of great importance in these days that Parliament should do all it can to wipe away such blots as those to which my Motion refers. The more that Parliament interferes to abate the difficulties of the labouring classes and to assert and protect their rights the greater will be the union between the Parliament and the people; and the final reason why I now call upon your Lordships to

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repress this great evil is in the justice we owe to that immense majority of English employers who have cordially accepted the Factories Extension and the Workshops Acts. It is greatly to their credit that such numbers of them have made these large concessions, and have cheerfully consented to carry into effect these Acts, because they believe them to be for the benefit of the whole community; and it is very unjust that the fair fame of the great body of English employers should suffer reproach because a small, but a very rapacious number of them refuse to give their workpeople the benefit of these wise provisions.

Moved that an humble Address be presented to Her Majesty, praying Her Majesty to take into Her consideration the state of the children in the brickfields as reported by the Commissioners in 1864, with a view to their being brought under the protection of the Factory Acts.—(*The Earl of Shaftesbury.*)

THE BISHOP OF LONDON said, that he was sure the Motion would be unanimously accepted by their Lordships. He could fully bear testimony to the necessity for action in the matter. Middlesex was a county in which a very considerable number of persons were employed in the clay industry; and although, perhaps, the darkest features of the description drawn by the noble Earl would not be found in the Middlesex clayfields, he was yet prepared to say that few subjects better merited the attention of Parliament. Its evils were such as could only be cured by the action of the Legislature. There were considerable difficulties in limiting children's labour in brickmaking, partly arising from the custom of the trade, and partly from the peculiar character of the manufacture itself. Brickfields were generally divided into certain sections, each of which was worked by a separate gang, the man at the head of it paying it, while he himself was paid by the master brickmaker. A gang consisted generally of two strong men and one woman; the other three members of it might be, and generally were, children, whose age varied from 6 to 13 years. Each gang was only just strong enough to carry out the work assigned to it, so that if any one member was absent the whole work of the gang was stopped. The ordinary hours of labour in summer were from 5 in the morning to 7 in the evening, with three short intervals for

meals; and the three children in each gang were, for the reason that he had explained, obliged to work the whole of that time. There was another reason why the work of the brickfield, although intermitted, was extremely severe at times. The manufacture could only be carried on in fine weather; so that not only were there months together in the winter when no work could be done, but even a 10 minutes' shower in the summer time put a stop to the whole of the labour for that day. The natural result was that there was a great desire on the part of the employers and of the labourers themselves to work every hour that they could; and he had been told by the manager of a brickfield that they thought they did very well if they kept it within 60 hours a week. He had already pointed out that the evil was one which could only be cured by the intervention of Parliament; and under any circumstances some difficulties must be experienced, because in this instance they would have to apply the half-time system not to children who were employed day after day all the year, but to children for whose labour there was a great demand in fine summer weather, and none at all in many of the winter months. The employment of girls in these brickfields was a serious point. The effect of that employment was the entire deterioration of their moral character. In this part of England the girls so occupied in summer went out to service in the winter, and returned to the brickfields in the summer, being tempted by the higher wages; but the outdoor work and life so roughed them that generally they could only obtain in the winter months places of the worst kind, and they were unfitted to become wives and mothers. He trusted that the appeal now made by the noble Earl would meet with a ready response from their Lordships, and that a remedy would be speedily applied, and would be effectual.

THE EARL OF MORLEY said, the noble Earl (the Earl of Shaftesbury) had drawn a most graphic picture of the condition of the labourers in our brickfields, and he regretted that he was obliged to corroborate what he had stated. No one could deny that the reports that had been made from time to time of the condition of these persons were deplorable. The noble Earl had said that brickfields were excluded from the Act of 1864;

but he must remind the House that they were included under the two Acts passed in 1867, one of which included all brickyards employing more than 50 people, and the other—the Workshops Act—included all brickyards employing less than 50 people. There was no doubt that those workshops in which the smaller number was employed had not the provisions of the Workshops Act applied to them. No one who had listened to the description which the noble Earl opposite had given could deny that he had made out a case for the interference of the Legislature. A Bill had been introduced in "another place" by the hon. Member for Sheffield (Mr. Mundella) to extend the application of the Act of 1864 to brickfields; but with the view of obviating the necessity of having two Bills, where one was sufficient, he (the Earl of Morley) proposed to introduce into the Bill of which he had the honour to move the second reading on the previous night the main provisions contained in the Bill introduced by the hon. Member for Sheffield. The chief points of these provisions were that no female under the age of 16, and no boy under 10, should be employed in a brickfield under any circumstances. The provisions now carried out under the Workshops Act would, if the Bill became law this Session—of which, notwithstanding the scant encouragement given by the noble Marquess (the Marquess of Salisbury) last night, he was sanguine—be enforced by the local authorities, and would not therefore, as in many instances, become a dead letter.

VISCOUNT MIDLETON said, he also could corroborate the statements of the noble Earl in moving the Address. On reading Mr. Smith's pamphlet he thought the statements contained in it utterly monstrous, but he had seen the gentleman himself and questioned him very closely about them. After a careful cross-examination he had arrived at the conclusion that, if anything, the writer had rather understated his case. Many of their Lordships would remember the state of things disclosed by the Committee appointed to inquire into the gang system, as connected with agriculture. But great as was the amount of vice disclosed by that inquiry it fell very far short of what might be seen and heard every day in some of the brickfields. There was, also, one

very important difference between the two cases. The difficulty of legislating for the agricultural poor had always been that the wages of the agricultural labourer were so very low that he was often removed one stage from the workhouse. But that was not the case with brickfield labourers. He had ascertained from Mr. Smith that the average wages which a workman received in the brickyards were sufficient to maintain him and his family in decency and comfort if he was only steady and sober. But working men in these yards were in the habit of working only a certain number of days in the week and spending Sunday in "fuddling." As a consequence, they were unfit to go to work on Monday, and very frequently they did not return to work on Tuesday, and even on Wednesday there were many absentees. The wretched children were constantly kept at such work as could be intrusted to them in the absence of the adults; and the men after returning to work in the middle of the week had to make up in the last three days for the time they had lost by drunkenness, and this re-acted upon the children. This state of things was absolutely intolerable, and the result was what might be expected—an utter absence of modesty—vice beginning at an age when vice ought to be utterly unknown, stunted frames arising from over work and vicious indulgence, songs and stories of an improper character, young women universally becoming mothers before they were wives and bringing up their children to the same wretched fate to which they themselves had been brought up long before they could be considered accountable beings. He regretted that the terms of the present Motion had not been extended to females as well as children. He knew the difficulties of legislating in that direction, but Parliament had already banished females from underground work, and he would not be unwilling if their Lordships would go the length of asking Her Majesty to widen the scope of the Commission, and inquire how far the labour of females could be dispensed with. There would not be a single doubt in the minds of their Lordships as to the desirability of stepping in and protecting those wretched people who were not able to protect themselves.

Motion agreed to.

Viscount Midleton

RUSSIA AND TURKEY—THE DARDANELLES.—QUESTION.

VISCOUNT STRATFORD DE REDCLIFFE said, the subject of the Question which he was about to put to the noble Earl the Secretary of State for Foreign Affairs had been brought to his notice by the public Press, particularly *The Times*, in which a paragraph appeared stating in the most positive terms that the Porte had given permission to a Russian squadron to pass through the Dardanelles and Bosphorus on its way to Odessa. That was a very alarming statement, and he wished, in the first place, to know whether it was true, and then, if true, how far it was in accordance with the existing treaties between the Porte and other Powers? Whether there was any truth in the statement he could not pretend to say; but, as far as he had observed, it had not been contradicted, and the great credit attaching to the leading journal made him believe that there was some foundation for it. He wished, therefore, to ask whether it was true, as stated in the public journals, that the Turkish Government had given permission for a Russian squadron to pass up the Dardanelles and Bosphorus to Odessa; and, in that case, whether such permission accorded with the terms of the Porte's existing engagements with other foreign Powers?

EARL GRANVILLE: In answer to the noble Viscount, I have to state that I have no information whatever to the effect implied in the Question, and I think it exceedingly improbable either that the Russian Government should have made the application or the Turkish Government have granted it. I say this the more positively because an application was made the other day by the captain of an American frigate to pass through the Dardanelles, and it was immediately refused by the Turkish Government.

ROYAL SCHOOL OF MINES.

MOTION FOR AN ADDRESS.

THE MARQUESS OF SALISBURY, on rising to move an Address to Her Majesty relative to the proposed transfer of the Royal School of Mines to South Kensington, said, he believed there had been a recommendation on the part of the Science Commission, at the head of which

the Duke of Devonshire sat, in favour of the removal of the Royal School of Mines to that bourne to which all scientific institutions seemed destined to be transferred—namely, South Kensington. This common lot of scientific humanity had drawn a terrible shriek of despair from the officers of the Royal School of Mines. He believed the recommendation, though favoured by one party of eminent scientific men, had strongly roused the feelings of other men of great scientific eminence in opposition to it. The school had done very good service. A large number of persons desired to pursue their studies in that direction. He thought the Government ought not to sanction a transference of the school without giving, not only to Parliament but to the public, who specially took an interest in this question, an opportunity of thoroughly discussing the proposal.

Moved that an humble Address be presented to Her Majesty, praying that a letter addressed by Sir Roderick Murchison to the Privy Council, enclosing a letter from the officers of the Royal School of Mines relative to the proposed transference of that institution to South Kensington, may be laid before this House.—(*The Marquess of Salisbury.*)

THE MARQUESS OF RIPON said, the Report referred to by the noble Marquess was only preliminary, and he had reason to believe that the Science Commission would very shortly make another Report. The letter of which the noble Marquess had spoken was referred to the Commission for their consideration. That letter, together with other public documents, would be presented with the Report of the Commission. Under these circumstances, he hoped the noble Marquess would not press his Motion.

THE MARQUESS OF SALISBURY: On the understanding that no action shall be taken until these papers are produced?

THE MARQUESS OF RIPON: Certainly.

EARL STANHOPE said, the Government would, perhaps, give some information as to the new building.

EARL GRANVILLE said, the noble Earl should have given Notice of the Question.

THE DUKE OF DEVONSHIRE said, the terms of the Report had been fully considered and agreed to by all the members of the Commission. He understood that only three officers of the School of Mines objected to the removal,

and that the shriek of despair described by the noble Marquess had not been heard within the institution. The recommendation of the Commission for the removal to South Kensington was not founded on any reason of preference for that locality, but because sufficient space and accommodation could be found there. There was not sufficient space and accommodation in the present building to carry on the School of Mines satisfactorily.

THE MARQUESS OF SALISBURY replied, that when he saw the letter he would be able to judge of the censure which the noble Lord had passed upon him.

Motion (by Leave of the House) *withdrawn*.

House adjourned at Seven o'clock, to Thursday next, a quarter before Four o'clock.

HOUSE OF COMMONS,

Tuesday, 11th July, 1871.

MINUTES.]—WAYS AND MEANS—considered in Committee—Resolutions [July 10] reported—Exchequer Bonds (£700,000); Consolidated Fund (£10,000,000).

PUBLIC BILLS—Ordered—First Reading—Consolidated Fund (£10,000,000)*; Exchequer Bonds (£700,000)*.

First Reading—Tancred's Charities* [239].

Second Reading—Municipal Corporation Acts Amendment* [193].

Select Committee—Royal Parks and Gardens* [217], nominated.

Committee—Elections (Parliamentary and Municipal) (re-comm.) [103]—R.F.

The House met at Two of the clock.

ARMY—CAMPAIGN MANŒUVRES IN THE AUTUMN.—QUESTION.

SIR HARRY VERNEY asked the Secretary of State for War, to inform the House what are the intentions of the Government with regard to campaign manœuvres of the Army during the autumn; whether in each military district there is to be a separate Corps d'Armée consisting of limited numbers, but perfect in itself, combining each arm and department of the whole force of the Country, the Regular Army, the Militia, and the Volunteers, and capable of rapid expansion and increase in case

of need; whether, if such Divisions of the Army are formed, means will be adopted to give to the men industrial occupation as well as military training, and to the officers professional instruction; and, whether there will be a General Officer commanding each Division, whose duty it will be to ascertain the capacity of the officers under his command, and so to aid the Commander in Chief in the duty of selection?

SIR HENRY STORKS: It is intended, Sir, that as soon as the harvest is over a force of about 30,000 men, of whom at least one-half will be Regulars, and the rest Militia, Yeomanry, and Volunteers, shall be assembled at Aldershot, and marched to Lockinge, in Berkshire, in which neighbourhood military manœuvres will be practised, the whole to occupy about a fortnight. It is intended that in each military district the Militia, the Yeomanry, and the Volunteers shall be trained as far as possible in combination with the Regular forces from time to time quartered in that district. The localization of the Regular forces will be carried as far as the circumstances and service of the British Army permit. It is intended to give the private soldier industrial occupation, and the officer professional instruction. There will be a General Officer commanding each Military Division, and it will be his duty to report upon the capacity of the officers under his command.

CHAIN CABLES AND ANCHORS.

QUESTION.

MR. GRIEVE asked the President of the Board of Trade, What agreement, if any, has been come to between the Board of Trade and Lloyd's Committee on the subject of Chain Cables and Anchors; and whether he will produce the Correspondence which has passed on the subject?

MR. CHICHESTER FORTESCUE said, in reply, that one of the main objects of the Bill before the House was to take care that, if the system of public testing of chain cables and anchors were prolonged by the renewal of the Act expiring next June, this testing should be in reality a public testing, and should be in public hands. With that view he communicated with the Committee of Lloyds, asking whether they would be prepared in the public interest to undertake the management

and responsibility of public testing machines in cases where no local body might be prepared to take them over from the present joint stock companies who had set them up. Lloyd's Committee answered that they considered the Bill a good Bill, and that they would be ready to assist in effecting the object he had described in all cases where no local body could be found for the purpose, and that they would be prepared to enter into arrangements with all companies now owning these testing machines. Such arrangements had accordingly been virtually concluded in respect of the testing machines at various places in Staffordshire, and the Committee stated that they were ready to enter into similar arrangements at Sunderland, Glasgow, Bristol, and other places. Of course, wherever local bodies could be found, as at Birkenhead, to undertake the management of these machines, the intervention of the Committee would not be necessary. His great object had been to promote as far as possible the erection and maintenance of public testing machines in public hands in as many places as possible, so as to be most convenient to the shipping interest. With respect to the Correspondence, he should be happy to lay it on the Table.

IMPORTATION OF CATTLE.

QUESTION.

MR. SAMUDA asked the Vice President of the Council, If it is a fact that by the present arrangements of the Privy Council, while Foreign Cattle from unscheduled Countries are (from opposition of the licensed wharf owners) practically prohibited from being landed at any wharves in London, and proceeding from thence to the purchasers' premises, the same Cattle are allowed to pass through the streets to the same premises if they are landed in the first instance at Harwich; if he will take into his consideration the desirability of putting all Ports on the same footing, by prohibiting absolutely all Cattle from Foreign unscheduled Countries being allowed to be moved into the Country at all without first performing effectual quarantine; and, if he will consent to place on the Table of the House the Correspondence which has lately passed between different parties and the Privy

Sir Harry Verney

Council with reference to the licensing of Wharves in the Port of London for the landing of Cattle from unscheduled Countries.

MR. W. E. FORSTER said, in reply, that healthy cattle from unscheduled countries landing at any other places than those set apart for the cattle of scheduled countries ceased to be deemed foreign cattle, and could then be moved in the Metropolis under the same regulations as home cattle. This provision applied to all the ports; but if there were any practical difference it might arise from the fact that the Customs had power in any port to fix the landing-places of unscheduled cattle. All ports were on the same footing, and the regulations of the Customs applied alike, except that in London there was a *cordon* which prevented the passage of cattle, whether home or foreign—a *cordon* which he hoped would be removed when we got the Metropolitan Market; and in London there were also certain police regulations with respect to the passage of cattle through the streets. He thought it would not be desirable to—

“Put all Ports on the same footing, by prohibiting absolutely all Cattle from Foreign unscheduled Countries being allowed to be moved into the Country at all without first performing effectual quarantine.”

There would be no advantage in preventing the cattle imported from going into the country. As to Dutch cattle, he found that during the four weeks ending June 24, 1871, 10,849 cattle had been landed from the Netherlands at seven ports, of which 4,783 had been landed at London, 2,824 at Harwich, and 2,823 at Hull. He had no objection to produce the Correspondence with reference to the licensing of wharves in the Port of London for the landing of cattle from unscheduled countries.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL.) (*re-committed*) BILL.—[BILL 103.]

(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*)

COMMITTEE. [*Progress 10th July.*]

Bill considered in Committee.

(*In the Committee.*)

Mode of taking the Poll.

Clause 3 (Regulations as to polling).

SIR CHARLES W. DILKE moved, in page 3, line 15, after “municipal,” insert—

“The poll shall commence at each polling station at eight of the clock in the forenoon of the day appointed for taking the poll, and shall be kept open till eight of the clock in the afternoon of that day.”

The hon. Baronet said, the question involved in this Amendment was no less a one than this—should a considerable number of voters belonging to the working classes be allowed to exercise the power conferred upon them by Parliament without being obliged to ask as a matter of favour from employers the time necessary to enable them to vote? In London a man's work was often situate miles away from his residence, and it was therefore impossible for him to vote during the dinner hour; and though the difficulties of voting might be greater in London than they were elsewhere, they certainly existed in a minor degree in other places, and they affected clerks as well as artisans. What he proposed had already been carried out in the case of the school board elections. It might be said that 12 hours was too long a time for the poll-clerks to perform their duties efficiently; but the reply to that was that the duties were not, on the whole, of a distressing nature, and that the pressure on those employed would generally occur only once in four or five years. As regarded the alleged difficulty of voting after dark, he might observe that under that Bill elections would no doubt almost universally take place in rooms where artificial light might be used. In the case of the school board elections, it was not the hours that caused a break down, but something else. The voting for the London School Board was from the rate books, the most cumbrous of all documents in the world, and there was distinct evidence that from four to five minutes were often consumed in finding out the names of the parties. No doubt the pressure of men coming up to vote between 7 and half-past was very great, and, owing to the cause he had mentioned, many were unable to record their votes before 8 o'clock. No such difficulty would occur in the case of Parliamentary elections, where the voting was from the register, and a man's name was easily found.

Amendment proposed,

In page 3, line 15, after the word “municipal,” to insert the words “the poll shall commence at each polling station at eight of the clock in the

Station of the day appointed for taking the poll, and shall be kept open till eight of the clock in the afternoon of that day."—(Sir Charles Dilke.)

MR. G. BENTINCK remarked, that the hon. Baronet had spoken of what the House would do in its wisdom; but he thought it would be nearer the truth to refer to what the House would do in its uncertainty. He objected to taking votes after dark, as there was already too much darkness in the Bill; and he thought the Amendment would not meet any difficulty which existed. There would always be some excitement at elections, and now that the door was to be completely opened for bribery, without fear of detection, there would be a still greater inducement to crowds to assemble. He had himself given Notice of an Amendment to provide that

"The poll should commence at each polling station at eight of the clock in the forenoon of the day appointed for taking the poll, and should be kept open till six of the clock in the afternoon of that day ;"

but on re-consideration he should propose that the hour should not be later in boroughs than 4 o'clock, or 5 o'clock in counties.

COLONEL BARTELOT considered 4 o'clock to be quite late enough for the polling in large manufacturing towns, for they all knew what took place in such places after dark, and riots would be still more likely if the polling went on until 8 o'clock, while the danger of personation would be increased. If the right hon. Gentleman the Vice President of the Council would introduce a clause to enable them to have plenty of voting places, there would be no difficulty in getting up the voters between 8 o'clock and 4 o'clock.

MR. DIXON said, he hoped that the Amendment of the hon. Baronet (Sir Charles Dilke) would be accepted by the Government. He (Mr. Dixon) knew as much about large manufacturing towns as the hon. and gallant Colonel (Colonel Barttelot), and he could say that in the town which he had the honour to represent (Birmingham) everything connected with the polling went on quietly enough after dark. His belief was that the same quiet and order would attend the elections by Ballot in this country which had characterized those which had lately been concluded in Paris, when a stranger passing through might remain in ignorance of what was going on. He had

consulted the working men among his constituents as to their wishes on this point, because an inconvenient arrangement might result in a loss to them of the franchise, or of half a day's wages; and they were unanimous in their desire that the time of polling should be extended even to 9 o'clock. He accordingly placed an Amendment to that effect upon the Paper, although he did not now intend to propose it. Still, he thought the right hon. Gentleman the Vice President of the Council might place confidence in the working classes, for he was sure that elections would be conducted in the best possible order after dark.

MR. GATHORNE HARDY observed, that the hon. Member for Birmingham did not seem to have a distinct recollection of events that took place in Birmingham after dark. One of the worst disturbances that had ever occurred in Birmingham had taken place after dark. [Mr. Dixon: There was no voting going on.] He was aware of that; but the circumstances were such as were likely to cause just as much excitement as an election. He was amused to find that the hon. Member for Cambridge (Mr. R. Torrens) had an Amendment on the Paper directing that

"Every voter shall, before receiving a voting paper as hereinafter provided, stand at the entrance to the polling station uncovered and facing outwards whilst his name and description and the qualification in respect of which he claims to vote are called by the public crier or other person for that purpose appointed by the returning officer ;"

and as whatever lights were used would be within the room, the scheme seemed admirably adapted for assisting personation. In the course of the London School Board elections, whatever was objectionable took place after dark; and, considering that Parliamentary elections would be more exciting, the probability of collisions would be increased. He did not think a case had been made out for the adoption of the Amendment, because while he admitted that facilities should be given to all voters to come to the poll, he thought they must consider whether, in the interests of public order, it would be safe, especially in the winter, to allow the polling to go on for so long a period as the hon. Baronet (Sir Charles Dilke) proposed.

MR. W. E. FORSTER said, scarcely any question raised in the Bill had caused him much more thought than

this, and therefore the hon. Member for West Norfolk (Mr. G. Bentinck) must not complain if he had been doubtful as to what course he would pursue, although the hon. Member had left him in some uncertainty as to whether it would be proposed that the poll should be closed at 6 o'clock, or whether the voting should be guided by the sun. If, however, the hon. Member wished to leave the system as it was no Amendment was necessary. No doubt there was a very strong reason for continuing the polling hours until after the working day. If they asked workmen to vote, it would be more convenient that they should vote at a time when they were not expected to work. The only question was, whether there were difficulties in the way of doing that at the present moment. Last year he tried the experiment of voting until 8 o'clock in the evening in connection with the London School Board election; but he very much doubted whether that was any advantage to the working men, for, thinking that they could vote late, a very large number put off voting until the last hour, and the result was that in several places they found it difficult to record their votes. That would show that they must make all their arrangements on the supposition that a very large number of electors would vote during the last hour or two, which would greatly increase the expense. Moreover, it was not advisable to make their arrangements of such a character as would hold out an inducement to the electors to vote late. On the contrary, it was important, not only as a matter of electioneering tactics, but for the sake of order, that they should "vote early." The experience of the last year did not lead him to approve of the Amendment. There was something in the argument that personation would be easy, but not perhaps so much as some hon. Members thought; and there was some force in the objection that no public proceeding likely to cause excitement should go on after dark. As the hon. Member for Birmingham (Mr. Dixon) suggested, he did rely upon the voters, and it was not from them that he should expect disorder, but from others who might assemble during the darkness. He should prefer to meet excitement during the daytime. But he was so sanguine as to the good working of the Ballot that

he believed there would be perfect quietness during an election, and that all fears as to increase of personation would be dissipated by experience. But he did not think it would be too much to ask that they should be allowed to have the first election under the Ballot held without alteration in the hours of polling, and then if they found they could safely extend the hours of voting, he should consider that a strong case had been made out for a change. He found that in Victoria the voting took place from 9 to 4, and in South Australia from 9 to 5. He was not quite sure what were the hours in France. [Sir CHARLES W. DILKE: The voting is on Sundays.] Then he would omit all reference to France. In America the polling was continued until 4 o'clock, and 6 o'clock, and sometimes 7 o'clock, but in no case until 8 o'clock. But unless the prolongation of time extended to 8 o'clock it would be no use; and, in fact, it would not be easy to stop short of 9, and even 10 o'clock. He should look with interest to the next election to see whether inconvenience resulted from the present arrangement of the hours of polling.

Mr. SCOURFIELD remarked that if merchants would not give their *employés* liberty to go to the poll, and if working men feared so much a small loss of their wages, there was not much to be said for the value they attached to the franchise. He believed that people could vote during their dinner hour; but, at any rate, it would be extremely objectionable to carry on the voting until 8 o'clock, especially as no complaints had been made of the present system. Parliament had only recently passed a Bank Holidays Bill; and, if necessary, there would be no difficulty in giving all reasonable facilities of voting.

Sir JAMES ELPHINSTONE said, he had no desire to see secret voting carried on into the night. The great matter was to have a sufficient number of polling-places. He had generally found that employers of labour were ready to give those whom they employed reasonable time for voting, and if convenient polling-places were supplied he believed no difficulty would arise.

Mr. MELLY said, he would vote for the Amendment in order to afford to every elector time to vote, and with a

view to put an end to a species of bribery which existed in the North of England in the shape of the payment of half a day's wages to workmen in order to allow them to record their votes. Hon. Members allowed themselves to be influenced in considering this Amendment by their old fears, which were founded on a half-hourly declaration of the state of the poll and great crowds of excited non-electors hanging about the committee-rooms. This Bill would establish an entirely new system, under which elections would take place as quietly as the elections in Paris last Sunday, where upwards of 250,000 persons voted without the smallest disturbance. As to personation, he thought a strong gas-light in a room would be as good a detective as a November sun at a quarter to 4 on a November day. Believing that all the fears which had been expressed were chimerical, he urged that it was most important to give the working and poorer classes of electors every opportunity of recording their votes.

MR. BERESFORD HOPE said, he thought the reference to the recent election in Paris altogether inapplicable. After all that had occurred that election might be said to have realized the saying of Abraham Lincoln—it was voting by bullet as well as by Ballot. A seat in Parliament was an introduction to Court; it was an introduction to society, and it required something more than a mere capacity to do some local business, as a seat in the Legislature implied merely in Australia. The Ballot would not prevent adventurers from getting into Parliament, and bribery would follow—[“Question!”]—and if bribery would follow—[“Question!”]—he maintained he was speaking directly to the Question—if bribery would take place, would not the dark corners of the streets of the boroughs between nightfall and 8 o'clock be scenes of disorder? Would there not be little squads of men down in courtyards, in publichouses, in the parlours of sub-agents, during the evening of that November day, and would not the commercial transactions of the election be carried on with an immunity and impunity which did not exist at present? He trusted, therefore, that the Committee would not assent to the Amendment.

SIR GEORGE GREY said, he did not think the adoption of the Amend-

ment would give any increased facility of voting to the working classes. It was admitted that all the great employers of labour afforded facilities to their workmen to record their votes within the prescribed hours; but if the change contemplated by the Amendment were introduced, the consequence would be that great numbers of working men would be tempted to crowd the voting into the hours of darkness, and many, from the mere numbers then wanting to vote, would be unable to record their votes.

MR. CAVENDISH BENTINCK said, it was not often that he differed from his Friends sitting on the same side of the House; but on this occasion he felt bound to support the Amendment. He represented a constituency of which the vast majority consisted of working men, and most of these working men were connected with mines. Now no miner could go to the poll during the dinner hour, because, inasmuch as the work was divided into shifts of six, eight, or ten hours, there could be no dinner hour. He had the good fortune to possess the confidence of the vast majority of the working classes in the constituency he represented. [*A laugh.*] Hon. Members opposite might laugh; but they were much mistaken if they imagined the working classes were entirely with them on this matter. In consequence of the peculiar mode in which mines were worked, whereby a man to earn his wages must be underground for a certain number of hours altogether, it was impossible that he could vote unless there was an extension of time such as was proposed by the hon. Baronet opposite (Sir Charles Dilke). He therefore hoped the Government would re-consider this matter, and if necessary bring up a clause.

MR. A. EGERTON said, he knew something about the habits of the miners in the North, and he thought that by adopting this Amendment they would be doing more harm than good. He quite agreed that facilities were given by employers to enable their men to vote, and the extension of the time for polling might lead to abuses which were not contemplated.

MR. JAMES, in opposing the Amendment, thought the only argument in its favour was that it would meet the convenience of a very limited class—

Mr. Mellor

namely, those in large towns belonging to the building trades. It was not called for by the circumstances of the general body of working men; and the House therefore had to consider on which side the balance of advantages and disadvantages lay. Now, if they accepted the Amendment they would have for the first time elections under circumstances of which they knew nothing. They would have elections after dark, under very peculiar circumstances. People at 8 o'clock at night would be left in a state of doubt as to the result of the election, and the election would be virtually contested during the night; and, in fact, the result of the election could not be known till next day. There would be not only a day contention, but a night contention also. Was that a desirable state of things? He thought not; besides, the Amendment would double the expense of the election, as it would be impossible to have a staff of paid agents sitting in a room for 12 or 14 hours. The staff would therefore require to be doubled.

MR. NEWDEGATE said, he knew something of the working classes, and he thought the proposal to continue the polling after dark exceedingly rash. At the same time, he thought there ought to be a provision in the Bill that if any employer prevented any workman from attending the poll to vote, he ought to be subject to a penalty for obstruction. That was a deficiency in the Bill which ought to be supplied. But there was another point which demanded attention, and if elections were important, as he believed they were, the House ought to set apart a second day for the voting, which would obviate the difficulty which the Mover of the Amendment felt. ["No, no!"] He knew that individuals with the economical ideas of hon. Gentlemen opposite, who were very zealous for the purity and freedom of elections, but who were still more careful about saving their own pockets, would dissent from such a proposal. But he held that if they increased the number of electors they must also increase the facilities of voting, and therefore the two suggestions which he had to make for that purpose were, that there ought to be a penalty imposed on employers who prevented their workmen from attending the polling-place to vote, and that the election should extend over

two days instead of one, so that in large constituencies the voting would be conducted in safety and by daylight.

MR. M'LAREN said, he thought the working classes were the best judges of their own wants, and if they were polled there was no doubt that they would be in favour of the Amendment. In many places their place of work was far from their place of residence, and it was absolutely impossible for them to attend at the polling-place during their dinner hour. The inconvenience would be greatly felt in Edinburgh, which he represented.

MR. HERMON said, he thought the Amendment if carried would be simply a temptation to working men to postpone their vote till the last hour or two of the election, and if anyone reflected how difficult it was to get a railway ticket when there was a crowd of passengers at a booking-office, they would see the impossibility of receiving the votes if they were so delayed. He thought it would be necessary to extend the time for taking the poll. Perhaps the best course would be to fix Saturday, when most working men had a half-holiday, for taking the poll at elections.

MR. CRUM-EWING said, he would certainly support the Amendment. He knew what the opinion in Scotland was on this subject, having, during the Recess, received a deputation of working men, who represented to him the great advantage that would result from an extension of the hours of polling.

MR. C. B. DENISON said, he hoped that no argument would induce Government to accede to the Amendment, at least as regarded the first election, so that they might have an opportunity of seeing the working of the present measure. He had a knowledge of the miner class of the West Riding, and he had never heard of voters belonging to that class having any difficulty in recording their votes. But of all proposals which had been made that of double days was the worst.

COLONEL STUART KNOX said, he thought the right hon. Gentleman the Vice President of the Council was rather inconsistent in not accepting this Amendment on behalf of Government. The Bill, if it had any object at all, was to enable voters to promise to vote one way and to vote another without being found out, and the Amendment, rightly con-

sidering the whole transaction a work of darkness, proposed that it had better be done in the night than during the day.

LORD JOHN MANNERS said, he thought there would be some inconvenience to the working classes in boroughs from the terms in which the Bill was drawn; but the Amendment applied to counties as well as boroughs, and he held that the extension of night hours to counties was not only mischievous but inopportune.

MR. J. LOWTHER said, he hoped some hon. Member would give the House an idea of the working of the election of members of the school board. The hon. Gentleman might have given the House his experience of what happened in Westminster and other places.

MR. WILBRAHAM EGERTON said, that at a meeting held on the preceding evening in St. James's Hall, on the subject of the extension of the hours of election, Mr. Odger stated that the Ballot was the only remedy for bribery at elections, and for bribery between the Minister and Members, and between the Bishops and the Lords. If that were the view of the working men on the subject of corruption generally, he was not at all surprised they were agitating in favour of the Ballot; but he hoped the House would throw out both the Amendment and the Bill itself.

SIR JAMES ELPHINSTONE represented a borough (Portsmouth) twice the size of that which the hon. Member for Edinburgh (Mr. M'Laren) represented, and where the building trade was largely carried on. Though the borough he represented was much more inconveniently situated for the members of that trade recording their votes than Edinburgh, he had never found any difficulty in polling his men, provided there were a sufficient number of polling-places. He could not but think that carrying on an election during the hours of darkness would be a thing most impolitic to do.

MR. G. BENTINCK observed, that it had been complained that men working in mines would have no facility for voting unless the hours were extended so that they could vote after coming up; but he could see no difficulty in having a polling-place in a mine. It would be a locality admirably adapted for carrying out the purposes of the Bill. The hon. Member for North Warwickshire

(Mr. Newdegate) had brought a charge against hon. Members opposite which was not well founded. He said that they wished to save their own pockets in electioneering matters; but if they could credit the statements of the noble Lord the Member for Tyrone (Lord Claud Hamilton) and others, the liberality of those hon. Members in electioneering matters was boundless. Workmen would be more than compensated for the loss of wages by what they received for their votes. ["Oh, oh!"] Was there an hon. Member opposite who did not believe that something would be paid for every vote in a borough?

MR. WATKIN WILLIAMS asked whether, in the event of the poll closing at 4 o'clock, the Government anticipated that the result of the poll would be made known on the same day? The answer to this question would very much influence his vote in reference to extending the time.

MR. W. E. FORSTER said, he was afraid that he could not give a precise answer, because the answer must much depend upon the size of the borough. In a small borough, no doubt the votes might be added up and the result published on the same day, if the poll closed at 4 o'clock; but in a large borough, or a county, this would be impossible.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 60; Noes 239: Majority 179.

MR. ASSHETON CROSS, who had given Notice to move a series of Amendments as follows, in line 15, after "municipal," insert—

"1. All votes shall be given in the manner in which they have hitherto been given, but the state of the poll shall not be made known during the hours of polling;

"2. The returning officer shall provide for every polling station a compartment constructed in such a manner that a voter while giving his vote therein cannot be seen or heard by any person who may be in or near the polling station other than the persons by this Act allowed to be in such compartment;

"3. No person, except the presiding officer, the clerks to the presiding officer, one agent for each candidate, the constables on duty, and the electors, shall be entitled to enter such compartment, and only one elector shall be entitled to enter at a time, and no elector shall be entitled to remain in any such compartment beyond the time required for voting; and no elector who shall enter such

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compartment for the purpose of voting shall be allowed to learn the state of the poll there during the hours of polling;

"4. Any person so entitled to enter such compartment who shall give any information before the close of the poll as to the state of the poll shall be guilty of a misdemeanor, and shall be liable to imprisonment, either with or without hard labour, for any term not exceeding two years.

"Leave out all the sub-sections except 4, 7, and 9."

Whilst deprecating any renewed discussion upon the principle of the Bill, he felt bound to show what means should, in his opinion, be taken to stop the evils at present complained of. The remedy which he should have suggested would have been embodied practically in two clauses—first, that there should be no show of hands; and, secondly, that although the voting should continue to be open and public, no one should be allowed to know the state of the poll until the polling was entirely over. Anyone who read the evidence taken by the Committee would see that much of the bribery, intimidation, corruption, rioting, and disturbance at elections arose from the fact that the state of the poll was made known from hour to hour. There was a prevalent idea that if a candidate once reached the top of the poll that alone would operate in his favour. A poll was often turned at the dinner hour, when a tremendous effort was made, in the belief that whoever headed the poll after dinner had a great chance of being successful. Subsequently to this a number of voters generally held back to see if "anything was going about." All this arose from the state of the poll being known from hour to hour. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) was a candid witness before the Committee, and he said in his evidence that afternoon bribery, so far as it depended upon a knowledge of the state of the poll, could be checked without the Ballot. That was a strong admission; and it showed that it would have been wiser, before forcing on the country a measure which was distasteful to many, to have tried first the experiment of private as distinguished from secret voting. That was attainable by admitting only one voter at a time to the polling-booth, and enforcing heavy penalties against all officials who made known the state of the poll before its close. With these conditions, he moved

the Amendments of which he had given Notice.

Amendment proposed,

In page 3, line 15, after the word "municipal," to insert the words—

"1. All votes shall be given in the manner in which they have hitherto been given, but the state of the poll shall not be made known during the hours of polling."—(*Mr. Cross.*)

MR. W. E. FORSTER said, the effect of the Amendments would be to change the Bill from a Ballot Bill into one providing that the state of the poll should not be made known. He did not think that even the very strong penal clause proposed by the hon. and learned Member for South-west Lancashire would prevent the state of the poll becoming known both in counties and boroughs, especially as the agent of each candidate would be able to ascertain for his own information how many electors had voted. Indeed, the fact was so important that it would be almost impossible to keep it secret. The real objection of the Government, however, to the hon. and learned Gentleman's proposal was, that in their minds it was insufficient to remedy the evils complained of. The hon. and learned Gentleman seemed to consider that almost all those evils arose from the temptation to bribe or coerce during the last two hours of the poll. As for bribery, that was, no doubt, the time when the evil chiefly exhibited itself; but both as regarded bribery, and still more as regarded intimidation, the evil was much more deeply seated. The Committee would, perhaps, excuse him from stating the arguments on which that conclusion rested; and he would therefore content himself with stating that the Government were unable to accept the Amendment.

MR. G. B. GREGORY said, the Ballot was un-English in the sense in which he understood the term, as its principle was concealment, and, he might almost add, fraud, because it would enable a voter to profess one sentiment and vote for another. Although the franchise might not be a trust in the legal acceptance of the word, yet a man ought to exercise it in the face and subject to the control of society. Indeed, Lord Justice Holt and Lord Justice Hale, two of their greatest constitutional lawyers, laid it down that the right of voting was a high and transcendent thing. It had been alleged that the Ballot would stop

[*Committee—Clause 3.*]

bribery and intimidation but it was now pretty generally admitted that bribery could not be prevented while three of the most calm and deliberate Judges on the English bench had stated that every case of intimidation brought before them broke down, and could not be sustained. No doubt there had been serious cases in Ireland where riots had prevented electors from voting; but the Bill was obviously not calculated to remove an evil of that kind. It should be remembered, too, that this sort of intimidation was directed not against the voters solely, but also against the candidates and their agents, whom the Billot could not protect. He was sorry to say he believed that this Bill would be carried. Nevertheless, he wished to enter his protest against it. It would be carried, too, by a considerable majority, including many hon. and right hon. Gentlemen who had hitherto proclaimed themselves the strongest opponents of the system— who, in spite of their old convictions, their long-expressed opinions, and their well-considered conclusions, now made themselves parties to a measure which they had over and over again denounced. He wished to address a word of remonstrance to those Gentlemen, some of whom were connected with the oldest families in the country. Persons who, like himself, were connected rather with the middle than the higher classes felt something like despair and dismay when they found Gentlemen of high position advocating opinions which he believed would lead to extreme and violent changes. Why should they sacrifice more of their time, their domestic comforts, and their daily occupations in order to engage in a struggle which they could no longer continue successfully if they were abandoned by the Gentlemen he had referred to? They felt inclined to stand by and let the stream take its course, and engulf those Gentlemen in the rapids into which they had so wilfully and culpably cast themselves.

COLONEL BARTTELOT said, he was much surprised at the observations of the right hon. Gentleman the Vice President of the Council in reply to the proposal of the hon. and learned Member for South-west Lancashire (Mr. Cross), because if they were to make this Bill as good for its objects as possible, the right hon. Gentleman, he thought, was bound to consider more attentively the

proposition of his hon. and learned Friend, especially that part of it which related to the proclamation of the poll. The right hon. Gentleman seemed to content himself by declaring that it involved a difficulty which he did not think they could overcome.

MR. W. E. FORSTER denied that he had said that. What he said was that the difficulty against which the hon. and learned Member for South-west Lancashire was contending could not be overcome by his proposed clause, but that that difficulty was entirely overcome by a clause in another part of the Bill.

COLONEL BARTTELOT said, he should like to see in what part of the Bill the difficulty alluded to was met. The right hon. Gentleman would not deny that most of the bribery and corruption occurred during the last two hours of the polling, and this might be prevented by prohibiting declarations as to the state of the poll. He believed that if the state of the poll were not declared, secret voting would be unnecessary. They ought to pause before they threw over the proposition of his hon. and learned Friend. All he could say further was, that if his hon. and learned Friend divided the Committee upon his Amendment he would most heartily support him.

MR. SCOURFIELD took exception to the heavy penalties proposed by the Amendment, under which a person would, by infringing the rules and regulations thereby laid down, incur the liability of imprisonment for two years with or without hard labour.

LORD JOHN MANNERS said, that after the vote the Committee had given a few minutes previously, the only persons out of doors who by outward manifestations had shown that they took an interest in the success of this measure—namely, the Liberal working men of London—would henceforth be quite indifferent about its success, because at a meeting held last evening they stated that, unless the Amendment of the hon. Baronet the Member for Chelsea (Sir Charles Dilke) were carried, they should cease to take any further interest in the progress of the Bill. There was therefore no reason why the Amendment of the hon. and learned Member for South-west Lancashire (Mr. Cross) should not now be considered on its merits, against which, by the way, the right hon. Gentleman

Mr. G. B. Gregory

the Vice President of the Council had not advanced a single argument. He (Lord John Manners) submitted that his hon. and learned Friend had rather under than over-stated his case. His hon. and learned Friend might have gone further with his statement that his proposal would have the effect of checking bribery, especially at those particular hours when it was notorious that that evil practice was committed. The Amendment, if adopted, would undoubtedly have the effect of securing a thorough investigation into the acts of bribery perpetrated, and of bringing the guilt home to the offending parties. It would therefore, he thought, have a great advantage over the proposal of absolutely secret voting. It was admitted that in our Australian colonies the secret voting system had proved inoperative to cope with bribery on a large scale and intimidation; and, according to the recent papers received from that part of the world, the authorities in Victoria were contemplating a change in the system of voting, with the object of detecting bribery and personation. He believed that the proposal of his hon. and learned Friend the Member for South-west Lancashire would, if agreed to, prove an effectual check to bribery, intimidation, and personation, inasmuch as it would cause speedy punishment to follow the commission of the offence, and would have the effect of diminishing the principal objections that were felt to the present measure.

Mr. CAVENDISH BENTINCK protested against the manner in which the right hon. Gentleman the Vice President of the Council had replied to the arguments of his hon. and learned Friend the Member for South-west Lancashire (Mr. Cross). The right hon. Gentleman simply said that the proposal would change the character of the Bill. But he would ask whether that change, were it to take place, would be the first one which the Government had made during the present Session? Had not the Government over and over again changed both their Bills and their policy? They had never produced one measure during the Session which left the House in the condition in which it was when it was introduced into it. He need only, by way of illustration, refer to the Army Regulation Bill, the Licensing Bill, and their other branches of policy. Why, then, should they not change the cha-

racter of this Bill? The Ballot was no part of the title of this Bill, and it might be left out of it altogether with advantage to the community in general. The fact of the Government being satisfied of the necessity of the Ballot was no answer for the right hon. Gentleman to give to the proposal of his hon. and learned Friend, who had devoted much time and care to the drawing up of a sub-section which would obviate the objections raised to the present section. The right hon. Gentleman who had now the conduct of this measure succeeded the noble Marquess (the Marquess of Hartington) who had the conduct of the Bill of last year, but was subsequently deposed. This was no time, at the flag end of the Session, to consider a measure of such importance. It was his intention to follow his hon. and learned Friend into the lobby, not only in order to support the views embodied in the Amendment, but to protest against the mode in which the Government and the majority on the other side had endeavoured to conduct the business of the Committee.

Mr. HERMON wished to know if it was competent for him to move the Amendment that had been put on the Paper by the hon. Gentleman the Member for West Norfolk (Mr. G. Bentinck), extending the time for taking the poll until 6 o'clock?

THE CHAIRMAN said, the hon. Member might undoubtedly have moved it at the proper time. He was not then prepared to say the hon. Member might not do so at a future period.

Mr. G. BENTINCK said, he understood the hon. Member for Preston (Mr. Hermon) intended to move an Amendment, and he expected his (Mr. Bentinck's) name would have been called at the proper time. He had to protest against the proceedings of the Government on two grounds with respect to this Bill. The Bill had been put forward as a measure for the prevention of bribery. He told the Committee on the second reading of the Bill that many years ago, when there was a probability of the Ballot question being carried, arrangements were made in every small borough in England for the sale of each vote at a fixed price. In all these protestations against bribery by Her Majesty's Government and their supporters he had not heard a word of

forenoon of the day appointed for taking the poll, and shall be kept open till eight of the clock in the afternoon of that day."—(*Sir Charles Dilke.*)

Mr. G. BENTINCK remarked, that the hon. Baronet had spoken of what the House would do in its wisdom; but he thought it would be nearer the truth to refer to what the House would do in its uncertainty. He objected to taking votes after dark, as there was already too much darkness in the Bill; and he thought the Amendment would not meet any difficulty which existed. There would always be some excitement at elections, and now that the door was to be completely opened for bribery, without fear of detection, there would be a still greater inducement to crowds to assemble. He had himself given Notice of an Amendment to provide that

"The poll should commence at each polling station at eight of the clock in the forenoon of the day appointed for taking the poll, and should be kept open till six of the clock in the afternoon of that day;"

but on re-consideration he should propose that the hour should not be later in boroughs than 4 o'clock, or 5 o'clock in counties.

COLONEL BARTTELOT considered 4 o'clock to be quite late enough for the polling in large manufacturing towns, for they all knew what took place in such places after dark, and riots would be still more likely if the polling went on until 8 o'clock, while the danger of personation would be increased. If the right hon. Gentleman the Vice President of the Council would introduce a clause to enable them to have plenty of voting places, there would be no difficulty in getting up the voters between 8 o'clock and 4 o'clock.

Mr. DIXON said, he hoped that the Amendment of the hon. Baronet (*Sir Charles Dilke*) would be accepted by the Government. He (*Mr. Dixon*) knew as much about large manufacturing towns as the hon. and gallant Colonel (*Colonel Barttelot*), and he could say that in the town which he had the honour to represent (*Birmingham*) everything connected with the polling went on quietly enough after dark. His belief was that the same quiet and order would attend the elections by Ballot in this country which had characterized those which had lately been concluded in Paris, when a stranger passing through might remain in ignorance of what was going on. He had

consulted the working men among his constituents as to their wishes on this point, because an inconvenient arrangement might result in a loss to them of the franchise, or of half a-day's wages; and they were unanimous in their desire that the time of polling should be extended even to 9 o'clock. He accordingly placed an Amendment to that effect upon the Paper, although he did not now intend to propose it. Still, he thought the right hon. Gentleman the Vice President of the Council might place confidence in the working classes, for he was sure that elections would be conducted in the best possible order after dark.

Mr. GATHORNE HARDY observed, that the hon. Member for Birmingham did not seem to have a distinct recollection of events that took place in Birmingham after dark. One of the worst disturbances that had ever occurred in Birmingham had taken place after dark. [*Mr. Dixon*: There was no voting going on.] He was aware of that; but the circumstances were such as were likely to cause just as much excitement as an election. He was amused to find that the hon. Member for Cambridge (*Mr. R. Torrens*) had an Amendment on the Paper directing that

"Every voter shall, before receiving a voting paper as hereinafter provided, stand at the entrance to the polling station uncovered and facing outwards whilst his name and description and the qualification in respect of which he claims to vote are called by the public crier or other person for that purpose appointed by the returning officer;"

and as whatever lights were used would be within the room, the scheme seemed admirably adapted for assisting personation. In the course of the London School Board elections, whatever was objectionable took place after dark; and, considering that Parliamentary elections would be more exciting, the probability of collisions would be increased. He did not think a case had been made out for the adoption of the Amendment, because while he admitted that facilities should be given to all voters to come to the poll, he thought they must consider whether, in the interests of public order, it would be safe, especially in the winter, to allow the polling to go on for so long a period as the hon. Baronet (*Sir Charles Dilke*) proposed.

Mr. W. E. FORSTER said, scarcely any question raised in the Bill had caused him much more thought than

this, and therefore the hon. Member for West Norfolk (Mr. G. Bentinck) must not complain if he had been doubtful as to what course he would pursue, although the hon. Member had left him in some uncertainty as to whether it would be proposed that the poll should be closed at 6 o'clock, or whether the voting should be guided by the sun. If, however, the hon. Member wished to leave the system as it was no Amendment was necessary. No doubt there was a very strong reason for continuing the polling hours until after the working day. If they asked workmen to vote, it would be more convenient that they should vote at a time when they were not expected to work. The only question was, whether there were difficulties in the way of doing that at the present moment. Last year he tried the experiment of voting until 8 o'clock in the evening in connection with the London School Board election; but he very much doubted whether that was any advantage to the working men, for, thinking that they could vote late, a very large number put off voting until the last hour, and the result was that in several places they found it difficult to record their votes. That would show that they must make all their arrangements on the supposition that a very large number of electors would vote during the last hour or two, which would greatly increase the expense. Moreover, it was not advisable to make their arrangements of such a character as would hold out an inducement to the electors to vote late. On the contrary, it was important, not only as a matter of electioneering tactics, but for the sake of order, that they should "vote early." The experience of the last year did not lead him to approve of the Amendment. There was something in the argument that personation would be easy, but not perhaps so much as some hon. Members thought; and there was some force in the objection that no public proceeding likely to cause excitement should go on after dark. As the hon. Member for Birmingham (Mr. Dixon) suggested, he did rely upon the voters, and it was not from them that he should expect disorder, but from others who might assemble during the darkness. He should prefer to meet excitement during the daytime. But he was so sanguine as to the good working of the Ballot that

he believed there would be perfect quietness during an election, and that all fears as to increase of personation would be dissipated by experience. But he did not think it would be too much to ask that they should be allowed to have the first election under the Ballot held without alteration in the hours of polling, and then if they found they could safely extend the hours of voting, he should consider that a strong case had been made out for a change. He found that in Victoria the voting took place from 9 to 4, and in South Australia from 9 to 5. He was not quite sure what were the hours in France. [Sir CHARLES W. DILKE: The voting is on Sundays.] Then he would omit all reference to France. In America the polling was continued until 4 o'clock, and 6 o'clock, and sometimes 7 o'clock, but in no case until 8 o'clock. But unless the prolongation of time extended to 8 o'clock it would be no use; and, in fact, it would not be easy to stop short of 9, and even 10 o'clock. He should look with interest to the next election to see whether inconvenience resulted from the present arrangement of the hours of polling.

Mr. SCOURFIELD remarked that if merchants would not give their *employés* liberty to go to the poll, and if working men feared so much a small loss of their wages, there was not much to be said for the value they attached to the franchise. He believed that people could vote during their dinner hour; but, at any rate, it would be extremely objectionable to carry on the voting until 8 o'clock, especially as no complaints had been made of the present system. Parliament had only recently passed a Bank Holidays Bill; and, if necessary, there would be no difficulty in giving all reasonable facilities of voting.

Sir JAMES ELPHINSTONE said, he had no desire to see secret voting carried on into the night. The great matter was to have a sufficient number of polling-places. He had generally found that employers of labour were ready to give those whom they employed reasonable time for voting, and if convenient polling-places were supplied he believed no difficulty would arise.

Mr. MELLY said, he would vote for the Amendment in order to afford to every elector time to vote, and with a

view to put an end to a species of bribery which existed in the North of England in the shape of the payment of half a day's wages to workmen in order to allow them to record their votes. Hon. Members allowed themselves to be influenced in considering this Amendment by their old fears, which were founded on a half-hourly declaration of the state of the poll and great crowds of excited non-electors hanging about the committee-rooms. This Bill would establish an entirely new system, under which elections would take place as quietly as the elections in Paris last Sunday, where upwards of 250,000 persons voted without the smallest disturbance. As to personation, he thought a strong gas-light in a room would be as good a detective as a November sun at a quarter to 4 on a November day. Believing that all the fears which had been expressed were chimerical, he urged that it was most important to give the working and poorer classes of electors every opportunity of recording their votes.

MR. BERESFORD HOPE said, he thought the reference to the recent election in Paris altogether inapplicable. After all that had occurred that election might be said to have realized the saying of Abraham Lincoln—it was voting by bullet as well as by Ballot. A seat in Parliament was an introduction to Court; it was an introduction to society, and it required something more than a mere capacity to do some local business, as a seat in the Legislature implied merely in Australia. The Ballot would not prevent adventurers from getting into Parliament, and bribery would follow—[“Question!”]—and if bribery would follow—[“Question!”]—he maintained he was speaking directly to the Question—if bribery would take place, would not the dark corners of the streets of the boroughs between nightfall and 8 o'clock be scenes of disorder? Would there not be little squads of men down in courtyards, in publichouses, in the parlours of sub-agents, during the evening of that November day, and would not the commercial transactions of the election be carried on with an immunity and impunity which did not exist at present? He trusted, therefore, that the Committee would not assent to the Amendment.

SIR GEORGE GREY said, he did not think the adoption of the Amend-

ment would give any increased facility of voting to the working classes. It was admitted that all the great employers of labour afforded facilities to their workmen to record their votes within the prescribed hours; but if the change contemplated by the Amendment were introduced, the consequence would be that great numbers of working men would be tempted to crowd the voting into the hours of darkness, and many, from the mere numbers then wanting to vote, would be unable to record their votes.

MR. CAVENDISH BENTINCK said, it was not often that he differed from his Friends sitting on the same side of the House; but on this occasion he felt bound to support the Amendment. He represented a constituency of which the vast majority consisted of working men, and most of these working men were connected with mines. Now no miner could go to the poll during the dinner hour, because, inasmuch as the work was divided into shifts of six, eight, or ten hours, there could be no dinner hour. He had the good fortune to possess the confidence of the vast majority of the working classes in the constituency he represented. [*A laugh.*] Hon. Members opposite might laugh; but they were much mistaken if they imagined the working classes were entirely with them on this matter. In consequence of the peculiar mode in which mines were worked, whereby a man to earn his wages must be underground for a certain number of hours altogether, it was impossible that he could vote unless there was an extension of time such as was proposed by the hon. Baronet opposite (Sir Charles Dilke). He therefore hoped the Government would re-consider this matter, and if necessary bring up a clause.

MR. A. EGERTON said, he knew something about the habits of the miners in the North, and he thought that by adopting this Amendment they would be doing more harm than good. He quite agreed that facilities were given by employers to enable their men to vote, and the extension of the time for polling might lead to abuses which were not contemplated.

MR. JAMES, in opposing the Amendment, thought the only argument in its favour was that it would meet the convenience of a very limited class—

Mr. Mellis

namely, those in large towns belonging to the building trades. It was not called for by the circumstances of the general body of working men; and the House therefore had to consider on which side the balance of advantages and disadvantages lay. Now, if they accepted the Amendment they would have for the first time elections under circumstances of which they knew nothing. They would have elections after dark, under very peculiar circumstances. People at 8 o'clock at night would be left in a state of doubt as to the result of the election, and the election would be virtually contested during the night; and, in fact, the result of the election could not be known till next day. There would be not only a day contention, but a night contention also. Was that a desirable state of things? He thought not; besides, the Amendment would double the expense of the election, as it would be impossible to have a staff of paid agents sitting in a room for 12 or 14 hours. The staff would therefore require to be doubled.

MR. NEWDEGATE said, he knew something of the working classes, and he thought the proposal to continue the polling after dark exceedingly rash. At the same time, he thought there ought to be a provision in the Bill that if any employer prevented any workman from attending the poll to vote, he ought to be subject to a penalty for obstruction. That was a deficiency in the Bill which ought to be supplied. But there was another point which demanded attention, and if elections were important, as he believed they were, the House ought to set apart a second day for the voting, which would obviate the difficulty which the Mover of the Amendment felt. ["No, no!"] He knew that individuals with the economical ideas of hon. Gentlemen opposite, who were very zealous for the purity and freedom of elections, but who were still more careful about saving their own pockets, would dissent from such a proposal. But he held that if they increased the number of electors they must also increase the facilities of voting, and therefore the two suggestions which he had to make for that purpose were, that there ought to be a penalty imposed on employers who prevented their workmen from attending the polling-place to vote, and that the election should extend over

two days instead of one, so that in large constituencies the voting would be conducted in safety and by daylight.

MR. M'LAREN said, he thought the working classes were the best judges of their own wants, and if they were polled there was no doubt that they would be in favour of the Amendment. In many places their place of work was far from their place of residence, and it was absolutely impossible for them to attend at the polling-place during their dinner hour. The inconvenience would be greatly felt in Edinburgh, which he represented.

MR. HERMON said, he thought the Amendment if carried would be simply a temptation to working men to postpone their vote till the last hour or two of the election, and if anyone reflected how difficult it was to get a railway ticket when there was a crowd of passengers at a booking-office, they would see the impossibility of receiving the votes if they were so delayed. He thought it would be necessary to extend the time for taking the poll. Perhaps the best course would be to fix Saturday, when most working men had a half-holiday, for taking the poll at elections.

MR. CRUM-EWING said, he would certainly support the Amendment. He knew what the opinion in Scotland was on this subject, having, during the Recess, received a deputation of working men, who represented to him the great advantage that would result from an extension of the hours of polling.

MR. C. B. DENISON said, he hoped that no argument would induce Government to accede to the Amendment, at least as regarded the first election, so that they might have an opportunity of seeing the working of the present measure. He had a knowledge of the miner class of the West Riding, and he had never heard of voters belonging to that class having any difficulty in recording their votes. But of all proposals which had been made that of double days was the worst.

COLONEL STUART KNOX said, he thought the right hon. Gentleman the Vice President of the Council was rather inconsistent in not accepting this Amendment on behalf of Government. The Bill, if it had any object at all, was to enable voters to promise to vote one way and to vote another without being found out, and the Amendment, rightly con-

sidering the whole transaction a work of darkness, proposed that it had better be done in the night than during the day.

LORD JOHN MANNERS said, he thought there would be some inconvenience to the working classes in boroughs from the terms in which the Bill was drawn; but the Amendment applied to counties as well as boroughs, and he held that the extension of night hours to counties was not only mischievous but inopportune.

MR. J. LOWTHER said, he hoped some hon. Member would give the House an idea of the working of the election of members of the school board. The hon. Gentleman might have given the House his experience of what happened in Westminster and other places.

MR. WILBRAHAM EGERTON said, that at a meeting held on the preceding evening in St. James's Hall, on the subject of the extension of the hours of election, Mr. Odger stated that the Ballot was the only remedy for bribery at elections, and for bribery between the Minister and Members, and between the Bishops and the Lords. If that were the view of the working men on the subject of corruption generally, he was not at all surprised they were agitating in favour of the Ballot; but he hoped the House would throw out both the Amendment and the Bill itself.

SIR JAMES ELPHINSTONE represented a borough (Portsmouth) twice the size of that which the hon. Member for Edinburgh (Mr. M'Laren) represented, and where the building trade was largely carried on. Though the borough he represented was much more inconveniently situated for the members of that trade recording their votes than Edinburgh, he had never found any difficulty in polling his men, provided there were a sufficient number of polling-places. He could not but think that carrying on an election during the hours of darkness would be a thing most impolitic to do.

MR. G. BENTINCK observed, that it had been complained that men working in mines would have no facility for voting unless the hours were extended so that they could vote after coming up; but he could see no difficulty in having a polling-place in a mine. It would be a locality admirably adapted for carrying out the purposes of the Bill. The hon. Member for North Warwickshire

Colonel Stuart Knox

(Mr. Newdegate) had brought a charge against hon. Members opposite which was not well founded. He said that they wished to save their own pockets in electioneering matters; but if they could credit the statements of the noble Lord the Member for Tyrone (Lord Claud Hamilton) and others, the liberality of those hon. Members in electioneering matters was boundless. Workmen would be more than compensated for the loss of wages by what they received for their votes. ["Oh, oh!"] Was there an hon. Member opposite who did not believe that something would be paid for every vote in a borough?

MR. WATKIN WILLIAMS asked whether, in the event of the poll closing at 4 o'clock, the Government anticipated that the result of the poll would be made known on the same day? The answer to this question would very much influence his vote in reference to extending the time.

MR. W. E. FORSTER said, he was afraid that he could not give a precise answer, because the answer must much depend upon the size of the borough. In a small borough, no doubt the votes might be added up and the result published on the same day, if the poll closed at 4 o'clock; but in a large borough, or a county, this would be impossible.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 60; Noes 239: Majority 179.

MR. ASSHETON CROSS, who had given Notice to move a series of Amendments as follows, in line 15, after "municipal," insert—

"1. All votes shall be given in the manner in which they have hitherto been given, but the state of the poll shall not be made known during the hours of polling;

"2. The returning officer shall provide for every polling station a compartment constructed in such a manner that a voter while giving his vote therein cannot be seen or heard by any person who may be in or near the polling station other than the persons by this Act allowed to be in such compartment;

"3. No person, except the presiding officer, the clerks to the presiding officer, one agent for each candidate, the constables on duty, and the electors, shall be entitled to enter such compartment, and only one elector shall be entitled to enter at a time, and no elector shall be entitled to remain in any such compartment beyond the time required for voting; and no elector who shall enter such

compartment for the purpose of voting shall be allowed to learn the state of the poll there during the hours of polling ;

"4. Any person so entitled to enter such compartment who shall give any information before the close of the poll as to the state of the poll shall be guilty of a misdemeanor, and shall be liable to imprisonment, either with or without hard labour, for any term not exceeding two years.

"Leave out all the sub-sections except 4, 7, and 9."

Whilst deprecating any renewed discussion upon the principle of the Bill, he felt bound to show what means should, in his opinion, be taken to stop the evils at present complained of. The remedy which he should have suggested would have been embodied practically in two clauses—first, that there should be no show of hands; and, secondly, that although the voting should continue to be open and public, no one should be allowed to know the state of the poll until the polling was entirely over. Anyone who read the evidence taken by the Committee would see that much of the bribery, intimidation, corruption, rioting, and disturbance at elections arose from the fact that the state of the poll was made known from hour to hour. There was a prevalent idea that if a candidate once reached the top of the poll that alone would operate in his favour. A poll was often turned at the dinner hour, when a tremendous effort was made, in the belief that whoever headed the poll after dinner had a great chance of being successful. Subsequently to this a number of voters generally held back to see if "anything was going about." All this arose from the state of the poll being known from hour to hour. The hon. Baronet the Member for Chelsea (Sir Charles Dilke) was a candid witness before the Committee, and he said in his evidence that afternoon bribery, so far as it depended upon a knowledge of the state of the poll, could be checked without the Ballot. That was a strong admission; and it showed that it would have been wiser, before forcing on the country a measure which was distasteful to many, to have tried first the experiment of private as distinguished from secret voting. That was attainable by admitting only one voter at a time to the polling-booth, and enforcing heavy penalties against all officials who made known the state of the poll before its close. With these conditions, he moved

the Amendments of which he had given Notice.

Amendment proposed,

In page 3, line 15, after the word "municipal," to insert the words—

"1. All votes shall be given in the manner in which they have hitherto been given, but the state of the poll shall not be made known during the hours of polling."—(*Mr. Cross.*)

Mr. W. E. FORSTER said, the effect of the Amendments would be to change the Bill from a Ballot Bill into one providing that the state of the poll should not be made known. He did not think that even the very strong penal clause proposed by the hon. and learned Member for South-west Lancashire would prevent the state of the poll becoming known both in counties and boroughs, especially as the agent of each candidate would be able to ascertain for his own information how many electors had voted. Indeed, the fact was so important that it would be almost impossible to keep it secret. The real objection of the Government, however, to the hon. and learned Gentleman's proposal was, that in their minds it was insufficient to remedy the evils complained of. The hon. and learned Gentleman seemed to consider that almost all those evils arose from the temptation to bribe or coerce during the last two hours of the poll. As for bribery, that was, no doubt, the time when the evil chiefly exhibited itself; but both as regarded bribery, and still more as regarded intimidation, the evil was much more deeply seated. The Committee would, perhaps, excuse him from stating the arguments on which that conclusion rested; and he would therefore content himself with stating that the Government were unable to accept the Amendment.

Mr. G. B. GREGORY said, the Ballot was un-English in the sense in which he understood the term, as its principle was concealment, and, he might almost add, fraud, because it would enable a voter to profess one sentiment and vote for another. Although the franchise might not be a trust in the legal acceptance of the word, yet a man ought to exercise it in the face and subject to the control of society. Indeed, Lord Justice Holt and Lord Justice Hale, two of their greatest constitutional lawyers, laid it down that the right of voting was a high and transcendent thing. It had been alleged that the Ballot would stop

[*Committee—Clause 3.*]

bribery and intimidation, but it was now pretty generally admitted that bribery could not be prevented; while three of the most calm and deliberate Judges on the English bench had stated that every case of intimidation brought before them broke down, and could not be sustained. No doubt there had been serious cases in Ireland where riots had prevented electors from voting; but the Ballot was obviously not calculated to remove an evil of that kind. It should be remembered, too, that this sort of intimidation was directed not against the voters solely, but also against the candidates and their agents, whom the Ballot could not protect. He was sorry to say he believed that this Bill would be carried. Nevertheless, he wished to enter his protest against it. It would be carried, too, by a considerable majority, including many hon. and right hon. Gentlemen who had hitherto proclaimed themselves the strongest opponents of the system—who, in spite of their old convictions, their long-expressed opinions, and their well-considered conclusions, now made themselves parties to a measure which they had over and over again denounced. He wished to address a word of remonstrance to those Gentlemen, some of whom were connected with the oldest families in the country. Persons who, like himself, were connected rather with the middle than the higher classes felt something like despair and dismay when they found Gentlemen of high position advocating opinions which he believed would lead to extreme and violent changes. Why should they sacrifice more of their time, their domestic comforts, and their daily occupations in order to engage in a struggle which they could no longer continue successfully if they were abandoned by the Gentlemen he had referred to? They felt inclined to stand by and let the stream take its course, and engulf those Gentlemen in the rapids into which they had so wilfully and culpably cast themselves.

COLONEL BARTTELOT said, he was much surprised at the observations of the right hon. Gentleman the Vice President of the Council in reply to the proposal of the hon. and learned Member for South-west Lancashire (Mr. Cross), because if they were to make this Bill as good for its objects as possible, the right hon. Gentleman, he thought, was bound to consider more attentively the

proposition of his hon. and learned Friend, especially that part of it which referred to the proclamation of the poll. The right hon. Gentleman seemed to content himself by declaring that it involved a difficulty which he did not think they could overcome.

MR. W. E. FORSTER denied that he had said that. What he said was that the difficulty against which the hon. and learned Member for South-west Lancashire was contending could not be overcome by his proposed clause, but that that difficulty was entirely overcome by a clause in another part of the Bill.

COLONEL BARTTELOT said, he should like to see in what part of the Bill the difficulty alluded to was met. The right hon. Gentleman would not deny that most of the bribery and corruption occurred during the last two hours of the polling, and this might be prevented by prohibiting declarations as to the state of the poll. He believed that if the state of the poll were not declared, secret voting would be unnecessary. They ought to pause before they threw over the proposition of his hon. and learned Friend. All he could say further was, that if his hon. and learned Friend divided the Committee upon his Amendment he would most heartily support him.

MR. SCOURFIELD took exception to the heavy penalties proposed by the Amendment, under which a person would, by infringing the rules and regulations thereby laid down, incur the liability of imprisonment for two years with or without hard labour.

LORD JOHN MANNERS said, that after the vote the Committee had given a few minutes previously, the only persons out of doors who by outward manifestations had shown that they took an interest in the success of this measure—namely, the Liberal working men of London—would henceforth be quite indifferent about its success, because at a meeting held last evening they stated that, unless the Amendment of the hon. Baronet the Member for Chelsea (Sir Charles Dilke) were carried, they should cease to take any further interest in the progress of the Bill. There was therefore no reason why the Amendment of the hon. and learned Member for South-west Lancashire (Mr. Cross) should not now be considered on its merits, against which, by the way, the right hon. Gentleman

Mr. G. B. Gregory

the Vice President of the Council had not advanced a single argument. He (Lord John Manners) submitted that his hon. and learned Friend had rather under than over-stated his case. His hon. and learned Friend might have gone further with his statement that his proposal would have the effect of checking bribery, especially at those particular hours when it was notorious that that evil practice was committed. The Amendment, if adopted, would undoubtedly have the effect of securing a thorough investigation into the acts of bribery perpetrated, and of bringing the guilt home to the offending parties. It would therefore, he thought, have a great advantage over the proposal of absolutely secret voting. It was admitted that in our Australian colonies the secret voting system had proved inoperative to cope with bribery on a large scale and intimidation; and, according to the recent papers received from that part of the world, the authorities in Victoria were contemplating a change in the system of voting, with the object of detecting bribery and personation. He believed that the proposal of his hon. and learned Friend the Member for South-west Lancashire would, if agreed to, prove an effectual check to bribery, intimidation, and personation, inasmuch as it would cause speedy punishment to follow the commission of the offence, and would have the effect of diminishing the principal objections that were felt to the present measure.

MR. CAVENDISH BENTINCK protested against the manner in which the right hon. Gentleman the Vice President of the Council had replied to the arguments of his hon. and learned Friend the Member for South-west Lancashire (Mr. Cross). The right hon. Gentleman simply said that the proposal would change the character of the Bill. But he would ask whether that change, were it to take place, would be the first one which the Government had made during the present Session? Had not the Government over and over again changed both their Bills and their policy? They had never produced one measure during the Session which left the House in the condition in which it was when it was introduced into it. He need only, by way of illustration, refer to the Army Regulation Bill, the Licensing Bill, and their other branches of policy. Why, then, should they not change the cha-

racter of this Bill? The Ballot was no part of the title of this Bill, and it might be left out of it altogether with advantage to the community in general. The fact of the Government being satisfied of the necessity of the Ballot was no answer for the right hon. Gentleman to give to the proposal of his hon. and learned Friend, who had devoted much time and care to the drawing up of a sub-section which would obviate the objections raised to the present section. The right hon. Gentleman who had now the conduct of this measure succeeded the noble Marquess (the Marquess of Hartington) who had the conduct of the Bill of last year, but was subsequently deposed. This was no time, at the fag end of the Session, to consider a measure of such importance. It was his intention to follow his hon. and learned Friend into the lobby, not only in order to support the views embodied in the Amendment, but to protest against the mode in which the Government and the majority on the other side had endeavoured to conduct the business of the Committee.

MR. HERMON wished to know if it was competent for him to move the Amendment that had been put on the Paper by the hon. Gentleman the Member for West Norfolk (Mr. G. Bentinck), extending the time for taking the poll until 6 o'clock?

THE CHAIRMAN said, the hon. Member might undoubtedly have moved it at the proper time. He was not then prepared to say the hon. Member might not do so at a future period.

MR. G. BENTINCK said, he understood the hon. Member for Preston (Mr. Hermon) intended to move an Amendment, and he expected his (Mr. Bentinck's) name would have been called at the proper time. He had to protest against the proceedings of the Government on two grounds with respect to this Bill. The Bill had been put forward as a measure for the prevention of bribery. He told the Committee on the second reading of the Bill that many years ago, when there was a probability of the Ballot question being carried, arrangements were made in every small borough in England for the sale of each vote at a fixed price. In all these protestations against bribery by Her Majesty's Government and their supporters he had not heard a word of

disapproval or refutation of the statement, and therefore he repeated it, and called the attention of the Committee to the fact that they were forwarding a measure to prevent the detection of bribery. The conduct of the Government supporters below the gangway was disparaging to the dignity of the House of Commons. ["Oh, oh!" and *cheers*.] He was glad to hear hon. Members below the gangway cheering the sentiment, because he wished to remind the Committee that with reference to this Bill the head of the Government had been able successfully to silence a large number of his supporters who professed to be independent and strong advocates of the measure. They covered the Paper with Amendments which they were not even allowed to express their opinions on. If the proceedings in that House were to be carried on under the dictation of one man, who had the power of silencing his side of the House, it could hardly be called a deliberative Assembly.

MR. J. G. TALBOT said, he could not go so far as the hon. Member who had just spoken in what he had said of those below the gangway who supported the Government, because they had heard an Amendment moved by one and supported by several others of those hon. Members. But the manner in which the Amendment of the hon. Member for South-west Lancashire (Mr. Cross) had been received was not creditable to the Committee. It was a *bonâ fide* attempt to deal with evils which all acknowledged and deplored by taking his stand on the ancient lines of the Constitution, and providing such remedies as they prescribed, and not rushing too hastily into ill-advised legislation. It was better to improve what we had than hastily destroy it for an unknown system to us, but which, where it had been tried in other countries, had signally failed. They were called on to adopt this Bill at the bidding of the Prime Minister, supported by men who had hitherto been pledged against the Ballot, and it had been deputed to the most popular Member of the Government to carry it through the House, because no other Member of the Cabinet would have the least chance of doing so. Surely, before even the Vice President of the Council attempted to carry the Ballot against a half-convinced Cabinet and a not half-convinced House of Commons, he would do better to improve the Constitution under which

we had so long flourished instead of adopting a new and untried system?

SIR FRANCIS GOLDSMID said, the Committee had already expressed an opinion upon this subject, and it required some assurance on the part of hon. Gentlemen opposite to blame the Liberal Members for not helping them to renew an unnecessary discussion.

MR. CORRANCE said, he wished to know before they went to a division what it was they were called on to decide. One part of the Amendment was perfectly intelligible—namely, that all votes should be taken in the manner in which they had heretofore been taken. He wished it had stopped there; but when he read the subsequent part of it he was led to believe that the returning officer must provide a polling-booth constructed in such a manner that the voter should not be seen or heard by anyone.

MR. BERESFORD HOPE said, the system of voting now proposed by the hon. and learned Member (Mr. Cross) was an intermediate system between the Ballot and the present mode of conducting elections. It was therefore very intolerant to call this "an unnecessary discussion" and try to shut up such a discussion, whether by clamour or by silence. The hon. Baronet (Sir Francis Goldsmid) could not prevent debate by simply getting up, ejaculating an adjective, and then sitting down in a feigned fit of indignation. Members in opposition at least had opinions and knew how to defend them. On the Ministerial side only three arguments were used. One was "Oh!" the second "Question!" the third "Divide!" and when these arguments were exhausted they began with the cry of "Divide!" back again to "Question!" and "Oh!"

MR. ASSHETON CROSS denied that in submitting this Amendment he was actuated by the slightest desire to offer factious opposition to the Bill. His only desire was to suggest a remedy which, in his opinion, would be more in accordance with the feelings and wishes of the country than that contained in the Bill.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 158; Noes 234: Majority 76.

MR. HERMON (for Mr. G. BENTINCK) moved in page 3, line 15, after "municipal," insert

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"(1.) The poll shall commence at each polling station at eight of the clock in the forenoon of the day appointed for taking the poll, and shall be kept open till six of the clock in the afternoon of the same day."

He believed that more time would be occupied in the poll under the Ballot than under the present system, and the extension of time he proposed would therefore be absolutely necessary. The opinion of some of the working men of London was that without such extension the Bill would be useless.

Amendment proposed,

In page 3, line 15, after the word "municipal," to insert the words—

"1. The poll shall commence at each polling station at eight of the clock in the forenoon of the day appointed for taking the poll, and shall be kept open till six of the clock in the afternoon of that day."—(*Mr. Hermon.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER said, the Amendment was open to much of the objection raised to the Amendment of the hon. Baronet (Sir Charles Dilke), while it would not secure the same advantages. He did not believe the recording of votes by Ballot would occupy more time than the present system of polling. On the contrary, he believed that voting would be very quickly performed. It would be better, on the whole, to leave the hours of polling as they stood, and take the experience of the next General Election, when the hour of closing the poll could be altered, if necessary, to what then seemed the convenience of the voter.

SIR JAMES ELPHINSTONE moved that the poll commence at 6 o'clock in the morning, as he believed the extension of the earlier hours would better suit the convenience of electors than that of the later hours.

Amendment proposed to the said proposed Amendment, by leaving out the word "eight," in order to insert the word "six."—(*Sir James Elphinstone.*)

MR. W. E. FORSTER said, it would be inconvenient to make the arrangements and have everybody present before 8 o'clock in the morning, and no working men had asked that the poll should begin earlier than 8.

MR. A. EGERTON said, he thought that personation would be facilitated if the poll began before 8 o'clock in the morning.

MR. R. N. FOWLER said, he hoped the hon. Member for Portsmouth (Sir James Elphinstone) would divide the Committee on his Amendment.

Question put, "That the word 'eight' stand part of the said proposed Amendment."

The Committee divided:—Ayes 324; Noes 57: Majority 267.

Question put, "That the words

'1. The poll shall commence at each polling station at eight of the clock in the forenoon of the day appointed for taking the poll, and shall be kept open till six of the clock in the afternoon of that day,'

be there inserted."

The Committee divided:—Ayes 66; Noes 309: Majority 243.

MR. J. LOWTHER moved, in page 3, line 15, to leave out all after "municipal" and insert a series of provisions for taking the votes by voting papers instead of personally. The hon. Gentleman said, his proposal was not ancillary to the Government plan, but was an alternative scheme, though it was entirely in unison with other portions of the Bill. Lord Russell and the hon. Member for North Warwickshire (Mr. Newdegate) had on former occasions objected to voting papers, because their use might lead to a resort to the Ballot. The question now was, whether voting papers would not be preferable to the Ballot? Voting by means of papers was not a novelty. It had been resorted to in the case of elections at the Universities, in the elections of Boards of Guardians, and in the election to schools and other charities. It used to be urged as an objection to voting papers that they were open to great abuses; but in his Amendment every possible care had been taken to guard against any kind of fraud, and he thought he should be able to prove that precautions were provided against the abuse, which was alleged sometimes to be committed in elections for Boards of Guardians, of an agent or canvasser obtaining from an elector his signed voting paper, and afterwards filling in the name of a candidate at the time of election. Though holding Conservative opinions, and being, consequently, opposed to organic changes, he was not prepared to defend the existing system of conducting Parliamentary elections in

[Committee—Clause 3.]

all its integrity; for he thought the riot, tumult, personation, the various frauds and irregularities which occurred during a Parliamentary contest were a scandal on representative institutions; but, while trying to remedy the abuses of the present system, he would still desire to retain its advantages. By means of voting papers, the personal responsibility of the voter, which it was desirable should not be got rid of, would be retained. This would not be establishing a novel and un-English method of recording votes, which would be distasteful to the great majority of voters, and would probably not work satisfactorily; but this system would remove many glaring abuses, such as tumults around polling-booths, and also do away with many of the difficulties that now attach to voting by working men during the necessarily limited hours allotted to polling under the system now existing, and about to be perpetuated under this Bill. A large number of persons who were not blessed with health and bodily strength were, by the present system, practically disfranchised; and all hon. Members who had gone through a contested election must have experienced the unpleasantness of being obliged, in the interests of their party, to urge upon aged and infirm electors the duty of recording their votes at the poll. Others whose avocations carried them away from the immediate locality where their qualification existed should also be considered, and those hon. Members who represented mercantile constituencies or seaport towns, where the people were engaged in the coasting trade, would know how many were prevented from exercising the franchise by business calling them away at the time of an election. There were many others who habitually abstained from voting in consequence of the annoyances to which voters were exposed, and the House should endeavour to induce such persons to engage in political affairs, for to refrain from participation in them was a great evil. The object of the Government was said to be to enable electors to record their votes without interruption; but would their Bill effect that? By their plan a voter would still be subjected to all the disagreeable circumstances which had hitherto attended Parliamentary elections. The object of any electoral system ought to be to

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secure the maximum number of votes at the minimum expense and trouble to the voters or others on their behalf, though he was not an advocate for the undue diminution of the cost of elections, since it would tend to fill the House of Commons with adventurers and persons who were not qualified to represent constituencies; while at the same time much might be done with advantage in the way of reasonable reduction. The Government had not taken into consideration the expenses of the conveyance of voters. Some hon. Members might say—"Don't pay them at all;" but that was the doctrine propounded by the Paris Commune—namely, the government of the country by the towns; for if those who lived in remote districts were left to travel long distances to the poll at their own cost, that would be absolute disfranchisement to many—a result which he was sure would not be sanctioned by the Committee. The non-resident voter, too, must be conveyed to the poll at some expense either to himself or to the candidate; and, as his right to vote had been recognized by the House, all reasonable facilities for voting ought to be accorded to him. With respect to the objections that might be entertained to his proposal, he was sure that those who had studied it would admit that it did not afford greater scope for the exercise of undue influence than was given by the present system. Some thought that a bribe would be given as readily for a voting paper as for a vote; but he thought that could not be the case, considering the machinery which he proposed; while the precautions contained in his scheme would effectually provide against an agent filling his pockets with voting papers, and recording the votes of those whom he had canvassed. The first provision in his Amendment was that—

"The returning officer shall, on the occasion of every Election, provide a book or books containing a sufficient number of voting papers for the use of the voters at such Elections;"

which was similar to the clause in the Bill respecting the provision of machinery for the Ballot. His second proposal, that—

"Each voting paper shall be attached to a counterfoil bound up in the book in which it is contained, and shall be in the form numbered (1) in the Schedule to this Act annexed,"

was intended to secure the inviolability

of the vote, and to meet objections that had been urged against his scheme, and would, he contended, prevent the possibility of forgery and the manufacture of voting papers. The third proposal was that—

“On the application of any voter in writing, under his own hand, in the form numbered (2) in the said Schedule, transmitted by post or otherwise, and received by the returning officer after the issue of the writ for the Election and before the day of polling, the returning officer shall, in manner hereinafter mentioned, transmit to such voter a voting paper.”

It should be in the discretion of the voter whether he would personally deliver his application to the returning officer or send it by post; but the returning officer must send the voting paper by post to the elector, and not to any other person. He next provided that—

“Previously to transmitting a voting paper to a voter the returning officer shall enter the name and address of the voter, and his number in the register of voters, on the voting paper, and also on the counterfoil; on the receipt of the voting paper the voter shall enter therein the name or names of the candidate or candidates for whom he is entitled and intends to vote, and shall subscribe the voting paper with his own name; the entry of the name or names of the candidate or candidates as aforesaid, and the subscription by the voter of his own name, shall be made in the presence of a justice of the peace, who shall retain the voting paper, and cause it to be, in manner hereinafter mentioned, transmitted without delay to the returning officer.”

Without his entering into a defence of the magistracy of the country, he thought the Committee would be of opinion that he could not select a more trustworthy agency to whom this important matter should be confided. If the magistrate and the voter were personally acquainted with each other, there need be no test of identity; but if, as he hoped, the majority of the electors who desired to use voting papers were unknown to either the magistrates or the police, he proposed that such a voter should be accompanied by a householder who was personally known to the justice, and could attest on oath to the identity of the voter. He next provided that—

“The transmission of a voting paper to a voter by the returning officer, or to the returning officer by the justice of the peace, may be by post, and if by post shall be post-free; but any other mode of transmission may be adopted, in the case of the returning officer, upon the application or with the consent in writing of the voter, and in case of the justice of the peace at his discretion, if he think such other mode more speedy than and

equally secure as the transmission by post; the returning officer shall take proper means for securing the prompt delivery to him of voting papers, whether sent by post or otherwise, and shall give notice of the poll-booth at which he will enter all votes that are given by voting papers; the returning officer or his deputy shall, during the hours of polling on the day of polling, publicly open at the booth aforesaid all voting papers transmitted to him, and read out from each voting paper the vote given for the candidates therein named, and duly record such vote in the poll book, and votes so recorded shall be of the same validity as if they had been given personally.”

This would obviate the difficulties which many felt as to the establishment of a system of secret and irresponsible voting, and it would also enable a comparison of the voting paper with the counterfoil—a check which was not possible under the Government system, anything which prevented the checking of votes being, in his opinion, open to grave objection. He did not go so far as his right hon. Friend the Member for Shoreham (Mr. S. Cave), who desired to have an open scrutiny of the Ballot papers, because he hoped that the adoption of his scheme would result in diminishing the number of Petitions praying for a scrutiny. Seeing the necessity for affording every facility to object to voting papers which had not been fairly given, he proposed that—

“The returning officer or his deputy shall reject any voting paper that on comparison with the book of counterfoils does not tally therewith, or which contains the names of more candidates than the voter is entitled to vote for, but, except on the grounds aforesaid, he shall not reject for informality any voting paper that contains the surname of any candidate for whom the voter is entitled to vote, and that purports to have been subscribed by the voter with his own name in the presence of a justice of the peace; all voting papers the votes in respect of which are recorded at the Election, or which are rejected for the reasons aforesaid, shall be filed by the returning officer; and any person shall be allowed to examine such voting papers and take copies thereof on payment of a fee not exceeding one shilling;”

in order to see that there had been no trick, for in the hurry of the moment the returning officer might be prevented from detecting that fraud which a more minute inspection would reveal. He also provided that—

“A voter at an Election shall not be entitled to more than one voting paper, and when he has signed a voting paper in favour of any candidate at any Election, he shall not be entitled to vote personally at such Election.”

It would be necessary for a person to go through the formality of deliberate per-

jury if he intended to vote in person as well as by a voting paper, and the offence of which he would be guilty was declared to be a misdemeanour. Then came a very important provision—No. 15—that

“No person, except the returning officer, his deputy, or clerks, shall be entitled to inspect the counterfoils of voting papers before the day of polling, or to ask the names of the persons who have applied for voting papers; and it shall be the duty of the returning officer, his deputies and clerks, to give no information until the day of polling, with respect to the names of the persons who have applied for voting papers.”

That disposed of many of the objections which had been raised on a former occasion, and tended, he thought, to the almost absolute perfection of the system. He thought the Committee would be of opinion that these provisions would guard against any reasonable fear of tampering with voting papers. The schedule provided for the obtaining of the voting paper, and its being deposited in the hands of a justice of the peace for final delivery at the poll. In this way it was intended to get rid of the evils of proxies, and of canvassers going about armed with voting papers. He wished to remind the Committee that these schemes had never been fairly laid before the House, or considered by it. When the Reform Bill of 1867 was introduced by his right hon. Friend the Member for Buckinghamshire it contained a provision for voting by means of papers. The reception accorded to that proposition by the House of Commons was not, on the whole, favourable. But another proposition, made as an Amendment to the Bill, was received with even less favour—he meant the proposal of the late lamented Member for Bristol (Mr. Berkeley), for establishing that system of voting to which the Prime Minister had become so recent a convert. Therefore, if the present House of Commons differed so much from its predecessor in one important point, he was justified in hoping that the comparatively slender majority which voted against the proposition of his right hon. Friend (Mr. Disraeli) would now have become a majority in its support. Indeed, he was not without hope of obtaining some approval of this Amendment from the right hon. Gentleman at the head of the Government, who had advanced such strong reasons against the Ballot. [Mr. GLADSTONE dissented.]

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The views of the right hon. Gentleman were pretty well known on this subject, and he believed the right hon. Gentleman had made known his objections to the Ballot upon the hustings. [Mr. GLADSTONE dissented.] Was he to understand, then, that the right hon. Gentleman, during the whole course of his political career, had never, on any occasion, divulged his sentiments on the Ballot? All he could say was that the right hon. Gentleman was placed in the position of Prime Minister of this country while the country was under the impression that he was an opponent of what he now termed secret voting; and he for many years represented a constituency which in those days was scarcely in favour of the Ballot. Returning from this digression, he wished to call attention to the fact that in 1867 a proposal was made in the House of Lords that voting papers should be used in Parliamentary elections, and although the machinery now provided was not placed before the House of Lords, and Lord Derby, then the head of the Government, declined to commit himself to details of the scheme then under discussion, the proposal was adopted by a large and overwhelming majority. He knew that hon. Gentlemen opposite were not disposed to attach much weight to what took place in “another place,” and probably some hon. Gentleman would say that the fact that this proposal had been endorsed by the House of Lords was a reason why ardent patriots and so-called representatives of advanced sections of the people should be inclined to view it with suspicion, if not alarm. But he would point out that in a House of 150 Members on that occasion the “Contents” in favour of the proposal were 114, while the “Not-contents” against it were only 36. Hon. Members who had studied the composition of the Upper Chamber would know that these numbers did not represent a party division. Without, however, professing to know what might be the balance of parties in “another place”—and the Government were varying the monotony of that balance by a gradual process—it was patent that the majority in that division included the names of strong supporters of the right hon. Gentleman. The vote then taken showed, therefore, what was the unbiassed judgment of those who were capable of giving a more impartial consideration to a sub-

ject of that kind than Members of that House. The scheme as now proposed was a decided improvement on previous proposals of a similar kind. This proposal, however, was substantially that which came down from the House of Lords after approval had been given to the rough sketch in the division to which he had referred; but the details were filled out very much in the form in which they now stood on the Paper. Those who had seats in the House at that time would remember that the Lords' Amendments to the Reform Bill were never really considered by the House. A majority of the House, acting together for the first time in two years, under the leadership of the present Prime Minister, trooped down to the House determined to discuss as little as possible and to agree to nothing. There were some important Amendments to be considered, one relating to the proportionate representation of minorities; but the majority of the House was prepared to regard every suggestion from the other House in the spirit with which they would view a mad dog. A discussion did arise on voting papers, and the right hon. Gentleman the Member for Birmingham (Mr. Bright) could not contain himself; he was perfectly furious against all the Lords' Amendments. With reference to voting papers Member after Member got up and insisted that the system would be attended by imaginary evils, while the good results expected from its adoption were wholly disregarded.

And it being now ten minutes before Seven of the clock, the Chairman left the Chair to report Progress.

House resumed.

It being now Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

NAVY—ADMIRALTY ADMINISTRATION.

RESOLUTIONS.

MR. SEELY (*Lincoln*): Mr. Speaker—I rise to call attention to certain recent changes which have been made in the administration of the Admiralty, and to move the following Resolutions:—

"That it is desirable that the Board of Admiralty should be discontinued, and that the offices of Controller and Superintendent of Her Majesty's

Dockyards be held by persons who have special knowledge of the duties they have to discharge, and that their tenure of office be not limited to a term of five years."

I need scarcely remind the House that on various occasions I, and several hon. Friends of mine, have called attention to what may be termed abuses in the administration of the Admiralty. We have complained that where the Admiralty were concerned purchases were made in the interests of the seller rather than of the buyer, and that sales on the contrary principle were effected in the interests of the buyer rather than of the seller; that old wooden ships were repaired at a cost greater than that for which they could have been bought new; that the number of dockyards was too great, thereby increasing unnecessarily the cost of superintendence; that the accounts could not be understood; that the Board of Admiralty was a cumbrous and inadequate machine for managing such a large Department, and that incompetent persons were placed in positions of great trust and responsibility. But some of the things of which we complained have been rectified. The system of accounts has been improved, and is in process of further improvement. We no longer complain that purchases are made on principles other than those which would guide an ordinary private firm in the transaction of their business; two dockyards have been discontinued, thereby reducing the cost of superintendence from £120,000 to £93,000; and the Admiralty no longer repair their old wooden ships at a cost greater than they could be purchased for new. But, Sir, the reforms in the administration of the Admiralty are still incomplete, and incompetent persons are still intrusted with the management of business in that Department of the State about which they know but little. I regret that the right hon. Gentleman the Member for Pontefract did not seize the great opportunity he had for putting an end to the Board of Admiralty. That the right hon. Gentleman did not like the Board of Admiralty is evident, but still he did not abolish it. In addressing this House, the right hon. Gentleman stated that the other members of the Board must be looked upon rather as his assistants than in any other light, and that the Board itself must be considered rather as departmental than as

in accordance with the usual machinery of a Board. In support of this view of the subject, I may mention that in 1870 the Board met only thirty-three times; that their meetings only lasted a few minutes, and that no business of any importance was transacted at those meetings. According to the evidence of the permanent Secretary, Mr. Lushington, the Board met only to register the decrees and decisions that had been already arrived at; and Admiral Robinson, in giving evidence before the Duke of Somerset's Committee, stated that the First Lord had directed that no Board should be held in his absence. Mr. Lushington stated before the same Committee that he was not aware whether the Board sanctioned the Navy Estimates or not. It is evident, therefore, that as regards the present system the Board is of no advantage for counsel, and that, I apprehend, is the only value of a Board; but if it is of no real benefit, it is not by any means free from evil. Thus, the First Lord has not that complete power which a man, who assumes the responsibility he does, ought to possess. It is evident from the discussion that took place in this House with regard to Sir Spencer Robinson, that the First Lord did not feel that he could deal with Sir Spencer Robinson as a mere subordinate, and that he looked upon him somewhat in the light of a colleague, and that I consider not quite in accordance with the responsibility he claims. It is stated by Sir Spencer Robinson, in his evidence which he gave before the Duke of Somerset's Committee, that the patent by which the Lords were appointed, and the Order in Council of 1869 clashed—nay, more, he stated that if the patent was legal, and was the only document that ought to be acted upon, then the Lords of the Admiralty, during the two years in which they had been in office, had been committing, day by day, some illegal act by issuing orders and decrees signed by one of themselves instead of two as the patent required. But although of no value in itself, the Board serves as a cloak to screen the individual Lords of the Admiralty, because Orders are issued in the name of the Board for which only one individual Lord is really responsible. Then, again, the Order in Council fixes the duty or duties which devolve upon each Lord; but no man who has had anything to

do with business would ever have framed a document like that. The hon. Member for Montrose (Mr. Baxter), in answer to a Question put by Lord Houghton, in the course of his examination before the Duke of Somerset's Committee, said—"I think it is a simple waste of time to keep up this Board;" and Mr. Lushington said—

"I am distinctly opposed to boards as Governing Bodies, and therefore I very much prefer the new system; but I should like the new system to be simple and homogeneous. I do not like any officer having a name which does not really indicate the function which he performs; and if I might offer a criticism upon the recent re-organization, I should say that it has not gone far enough, and that there are many old fragments of the ancient *régime* remaining which simply encumber and obscure the procedure. For instance, in my opinion, the Board at present is not merely valueless, but absolutely detrimental to public business—a Board which really does nothing, and which takes no responsibility, but in the name of which the order is finally given."

I am aware that in this House it would be of no value to appeal to the merely theoretical, and that unless I can show that the working of the present system is defective I cannot hope to carry my Resolutions. The question therefore is, does the present system work well? Now, the business of the Admiralty may be divided into two great branches—the material and the *personnel*. The Controller is supposed to have the control of the material branch; but the truth is that the limits of responsibility are not properly defined. In the evidence that was given before the Duke of Somerset's Committee, it was stated that the First Naval Lord had said that the fancies of the Controller, with regard to the building of a particular new class of frigates, ought not to be considered, and that the opinions of the Controller, Chief Constructor, and of the Director General of Naval Ordnance had been over-ruled, and the views of others adopted in their place. If I might refer to the late lamentable loss of the *Captain*, by which 500 brave men's lives were sacrificed, it will be found that up to the present hour we do not know who was responsible for that unfortunate occurrence. With regard to the *personnel* of the Navy, the First Sea Lord is supposed to be responsible; but it was curious to consider what his responsibility, according to the meaning of the Admiralty, signified. The First Sea Lord was responsible for providing officers and men; for the movements of

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the Fleet; and for the discipline of the service. It is not a satisfactory state of things that so important a branch of the service as the officers of the Royal Navy should be in a chronic state of discontent; but that this discontent exists I do not think can be denied. Upon this point there is a witness who is entitled to speak with some authority—namely, Sir Spencer Robinson, who, in the pamphlet which he has just published, says that—

“The dissatisfaction amongst officers remains unabated, and there reigns throughout that body a general feeling of discouragement as to the future prospects of all ranks.”

There have been of late years four Orders in Council altering the flow of promotion in the Navy. On the 1st of August, 1860, there was one issued; on the 9th of July, 1864, another; on the 24th of March, 1866, another; and on the 22nd of February, 1870, another; and before long, doubtless, there will be another yet. All this is exceedingly unsatisfactory, and I put this forward as a proof that the general management of the Navy is not what it ought to be. Having dealt with the officers in the Navy, I will come to the case of the seamen. The First Lord of the Admiralty, not long since, in moving the Navy Estimates, stated that the Admiralty had endeavoured to obtain, since last September, 450 blue-jackets without success, having only obtained 50 in that period; that we had now 500 too few blue-jackets, which was a very serious fact, and no doubt it is so. And it is a matter for much astonishment, considering the large Mercantile Marine we possess, that we should only be able to obtain 50 blue-jackets in the space of six months. We had, in 1865, in our Mercantile Marine—including seamen, stokers, and others—197,643 men; of whom 72,058 were able seamen. In 1865 there were about 20,000 ordinary seamen, of which number I am assured upon authority equal to any in this House, that 5,000 might be reckoned as able-bodied seamen; about 20,000 apprentices and boys, of whom about 5,000 might be reckoned as ordinary seamen; and about 20,000 foreigners, of whom 5,000 had been so long in our service that they might be fairly depended upon for our employment. In the year 1870 I find that we had 153,000 fishermen, which, taken altogether, would give us a

Reserve force of about 230,000 men available for the Navy, and yet there was a difficulty in obtaining even 450 men in six months. This was another instance of the Admiralty management not being exactly what it ought to be. This subject of manning the Navy is one which has often occupied the attention of the House of Commons. The question was brought under the consideration of this House a few weeks ago by the hon. Gentleman the Member for Liverpool (Mr. Graves), and on that occasion the right hon. Gentleman the First Lord of the Admiralty met the hon. Member's Motion by promising that the subject should be considered during the Recess, and he expressed a hope that he should be able to devise some plan which would meet the views of the hon. Gentleman. But the First Lord, if he had not been quite so reticent, and if he had taken the House more into his confidence, could have told them that this subject was actually under consideration at that very time—that there was an official Committee then sitting to inquire into the subject of manning the Navy—and that that Committee was composed of a colonel in the Engineers, a captain in the Royal Navy, and a colonel in the Marines. That Committee was about to make their Report, but after the debate that took place in this House it was suddenly dissolved, and its Report cancelled. This is the explanation I have received of the matter; but I do not know how far it is accurate. I merely allude to the circumstance as a proof that my assertion is correct—that the subject of manning the Navy is one which has been frequently under the consideration of this House and of the Admiralty. But, Sir, not only have we found a difficulty in obtaining men, but also in keeping them. A Return, No. 118, dated March, 1871, has been published, entitled the “Cruise of the Flying Squadron,” from which it appears that the Flying Squadron went to various places, and that at almost every place it touched at it lost some of its men by desertion. Thus, at Rio, it lost 12 men; at Monte Video, 12; at the Cape, 12; at Melbourne, 158; at Auckland, 41 broke away from the boats, while 14 took forcible possession of the *Phæbe's* cutter, and escaped. This desertion of the men was endeavoured to be stopped by allowing none but good-conduct men to go ashore.

The result of the cruise was, that of 2,605 men, borne upon the books of the Flying Squadron, 321 deserted, of whom 21 were recaptured, leaving a balance of 300 men actually lost by desertion during this cruise alone. And there is rather an ominous paragraph in page 8 of Sir Spencer Robinson's pamphlet, which, although not very distinct, alludes to something even worse than desertion. It is all very well to have this state of things in our Navy so long as we are at peace; but if we pay £10,000,000 per annum we want a Navy that will be effective in time of war, and such arrangements ought to be made that if we want 500 men 5,000 should offer to join. Now, there are many ship companies in this country which have no difficulty whatever in getting men, or, when they have once got them, in keeping them. I might mention the Cunard and other lines, but I would allude more particularly to the Peninsular and Oriental Steam Navigation Company. They have 68 ships afloat and 8,250 men. They have no difficulty in obtaining any men they require, and they are subject to no desertions. The fear of dismissal operates as the greatest punishment and most effectual check upon insubordination; and instead of there being anything like discontent among their officers, or disloyalty among their men, this is what the chairman of the company said at their last meeting:—

"He begged to say distinctly that the highest spirit of unanimity and loyalty pervaded the whole of their service, both at sea and on land. They had most able and enthusiastic servants, who did the utmost in their power to promote the company's interests. They could not be better served than they were; they hoped always to continue to be as well served."

I bring this matter forward, Sir, with the hope that we may be able some day to say the same of the Royal Navy. I think it is a disgrace that a wealthy country like England should not get picked men to serve her, and when she has got them should not be able to keep them. Here, Sir, I would mention what was told me by my hon. Friend the Member for Hastings (Mr. T. Brassey). He said there are 7,000 seamen on board of different yachts at this season of the year. There are no desertions from those yachts, and the owners have no difficulty in getting, or in retaining, any

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number of men they require. Again, take the police force throughout the country. They are upwards of 40,000 in the United Kingdom. There is no difficulty in getting men for the police, and, though the discipline is strict, there are no desertions. Why cannot the Admiralty tell the same tale? It is alleged as some reason why the Admiralty do not manage their business well, that it is very vast. The First Sea Lord, in his evidence before the Duke of Somerset's Committee, said he had more to do than one man could possibly accomplish; and Lord Grey, in the draft Report presented to that Committee, spoke of the enormous business of the Admiralty, while the Duke of Somerset used very similar language. Now, I should like, Sir, to look at these things, divesting them of all mystification if I can. What, then, is this vastness of the Admiralty business, as compared with that of other establishments? Take the amount of money spent. Though large, it is less than £8,000,000 sterling for the effective service, deducting the half-pay and pensions. The Peninsular and Oriental Company have nearly £4,500,000 of expenditure; and we must take into account their revenue also, because it involves as much trouble to manage as their expenditure. Then take the late Mr. Brassey, the father of the hon. Member for Hastings. In the course of a year he occasionally turned over £5,000,000 or £6,000,000, and he employed 80,000 men. Why, the Admiralty do not employ 80,000 altogether. Their seamen, marines, clerks, and dockyard labourers do not make up that number. [An hon. MEMBER: Yes; more than that.] Well, I stand corrected if that be so. My impression was that it was not 80,000; that there are about 61,000 seamen, marines, &c., in the Fleet, and between 12,000 and 13,000 dockyard artizans. That would give a total of some 73,000; and I cannot see where the others are to be found. Be this, however, as it may, the illustration I offer is at any rate tolerably pertinent; and we must bear in mind, too, that the Admiralty employ about the same number of people year by year, whereas the late Mr. Brassey had occasionally to reduce his number to 25,000 or 30,000, and then suddenly at times to run them up to 70,000 or 80,000, which every man of business knows to be a very difficult

matter. Then take the case of the London and North-Western Railway Company. They have 1,100 miles of line, with one general manager to superintend the line; they have 250 stations, 25,000 men, 3,000 carriages, 30,000 waggons, and 1,200 engines; while their expenditure is £4,500,000 a-year. And I would make this observation as to that Company—that they and all the other railways in the kingdom communicate to each other the amount of their working expenses, and the cost per mile of coal, oil, &c.; while the Admiralty, unfortunately, shut themselves up within the walls of Whitehall, and refuse almost to hold any communication with the outer world. [“No!”] Well, if their business is not well managed, it is not because enough money is not spent in its management. The cost of the Office at Whitehall for Lords, clerks, messengers, &c., is £163,000 a-year; whereas the Peninsular and Oriental Company pay for directors, clerks, &c., £30,000 a-year. And alluding to the case of the messengers, I must ask the First Lord how it happens that they want £9,723 for messengers at Whitehall? They pay £5,040 a-year for permanent messengers, and a further sum of £4,683 for temporary boys, commissionaires, &c.; making together the sum of £9,723. The sum paid by the Peninsular and Oriental Company for messengers is only about £390. I would also mention that in the Navy Department of the United States there are 79 officials, clerks, messengers, &c., at a total charge per annum of only £28,000. Taking all these matters, then, into consideration, I come, Sir, to the conclusion that the present system is not satisfactory, and that we must either go back to the old Board with all its faults, or go forward and abolish the Board altogether, and have a single Minister of State instead. The argument for a Board may be briefly put thus:—The First Lord requires advice, and I should be the last man to argue against that proposition. We very rarely have First Lords who know much about their business. We occasionally have First Lords who know very little about their business, and sometimes First Lords who know nothing whatever about their business when they enter upon their office; and therefore I should be extremely sorry to say anything that would prevent them from obtaining ad-

vice. The question is, whether a Board is the best means of giving the First Lord advice? I hold that it is not; and for these reasons:—If there be an official Board, I apprehend it would hardly be consistent for the First Lord to seek other advice before the Board met; and when the Board did meet and had come to a decision, the First Lord would scarcely be acting in accordance with etiquette if he went and sought for other advice to counteract the decision to which his Board had come. Now, what are the questions which the First Lord has to solve? He has to determine upon questions relating to the officers, to the supply of seamen, to discipline, and so on. Suppose one of these questions comes before the Board? The First Sea Lord is there, and perhaps a Civil Lord is there, too. What said Lord John Hay before the Duke of Somerset's Committee on this matter? Why, in substance—I do not quote his exact words—that the First Sea Lord is such a very great man that there could be no freedom of discussion between him and the other members of the profession, and that the opinion of the First Sea Lord was almost invariably taken. Of what advantage, then, would it be to put one of these questions before the Board? Would it not be far better at once to have some power of consulting on these questions with members of the profession who do not happen to be official personages at Whitehall? But even in the Department of the First Sea Lord he would obtain very valuable advice. I might instance another case—say on a question of accounts. Suppose such a question to be brought before the Board. The Board may sometimes be constituted of persons who, I am not going too far in saying, have perhaps scarcely ever seen a ledger in their lives, and yet they would have to determine this question of accounts. If the First Lord was not satisfied with the explanations of his officers, the Accountant General, or the sub-Accountant General, what should prevent him from going into the City and getting the opinion of competent men there on the matter? If there was a Board, its opinion must be taken; the question must be discussed at the Board, although half its members know nothing of the question before them. Moreover, the Board is constantly changing; it is formed and selected upon political con-

siderations, and not on the ground of competence to discharge the duties that have to be performed. Therefore I say that a Board is not the best means of giving advice to the First Lord. But, further, there is something to be done at the Admiralty besides advising the First Lord. The daily routine business of the Department has to be carried on. Now if there is a Board, the usual, I may almost say the invariable, course is to allot a branch of Admiralty business to each member of the Board. Let us look for a moment at how this will work. The business is divided among members, a great number of whom, it is no exaggeration to say, know nothing of the matters they have to superintend. Take, for example, the Civil Lord. He has certain business to manage. During the last 10 years we have had no fewer than 10 Civil Lords, and three of them did not average three months in office. I need scarcely remark that Civil Lords are, as a rule, selected from the rising young men of the party, whether on this or on the other side of this House, and not from any particular knowledge which they possess of Admiralty administration. There is, therefore, no unity of purpose. These Lords are constantly changing; and, to quote Sir Spencer Robinson, at page 13 of his most valuable pamphlet, in speaking of the Storekeeper General, and of the difficulties which he had to contend with, Sir Spencer says that that officer—

"Is subject to the ever-varying, ever-shifting views of his superiors, who are necessarily ill-acquainted with buying, selling, and book-keeping."

Now, the result of this state of things is that those gentlemen who know nothing of their business being put over the heads of men who do know something of it, the permanent heads of Departments lose all, or the greater part of their interest in the business they have to manage. If these Lords interfere—and they often think that they are very clever—they take up a great portion of the time of the permanent officers in teaching them the rudiments of their business; and if they do not interfere, I ask what use is there in paying them £1,000 a-year for nothing? Then, again, with regard to those Lords who are generally in Parliament. Why, during the Session, they are obliged to be here at half-past 4 o'clock in the

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afternoon when the House is sitting, and to remain, it may be, until 2 or 3 in the morning; and, I ask, is it likely that they can, under these circumstances, manage their business in the same way as the permanent officers do? And when the Session is over they have their duties to attend to at Whitehall; but they naturally then require rest, and must have a long vacation. I say, therefore, that this is not the mode in which a great Department like the Admiralty ought to be managed. Instead of all this, my impression is that the First Lord ought to have a skilled and experienced head to each Department of the Administration, and also a deputy or lieutenant who would have a general superintendence over those heads of Departments, and who would further exercise a good influence in keeping the First Lord from committing serious errors and blunders. We have no Board in the other Departments of the Government besides the Admiralty. At the Colonial Office they have as grave, or even graver, questions to settle than the Admiralty have. At the Foreign Office the questions that have to be settled are graver still; and yet both of those great Departments do without a Board. And I may also remark that several Boards which formerly existed have all been, one by one, abolished—such, for instance, as the Navy Board, the Victualling Board, the India Board, and the Audit Board. Surely some credit is due to experience in these matters, and it is not to be supposed that we should have in all these cases abolished the Board system if that system had been a good one. I may likewise point out, as an objection to the management of such affairs by a Board, that this Board proceeds by very cumbersome methods. I find that from 1859 to 1866—a period of eight years—there were no fewer than 239 Orders in Council in relation to Admiralty matters. I have not been able to get any Return of the Orders in Council with reference to Admiralty matters since the year 1866 and the present time; but the number in the eight years previous was 239, as I have just stated. But even now the most trifling things can only be done by an Order in Council. For instance, on the 4th February, 1869, the offices filled by two foremen were abolished; and on the 29th April, 1870, the post of Assistant Accountant General was abolished.

Well, then, I further object to a Board because there is every danger of us coming to a dead lock. Sir James Graham, in 1861, made use of these memorable words to a Committee of the Board of Admiralty—

"I admit that the patent and the usage at the Admiralty are at variance, and if they were not at variance I do not think that the system of the Board of Admiralty would work at all."

The right hon. Baronet the Member for Droitwich (Sir John Pakington) in answering a motion which I brought forward in 1867, said—

"I have not in the least" changed my opinions which I then expressed (before the Committee of 1861). I do still think that for the administration of a great Department a Board is a most clumsy machine. I still think that from the constitution of that Board there is an absence of that direct responsibility which ought to exist in a great Department, and I cannot say that I think the constitution of that machine is satisfactory or well adapted to the discharge of the important and difficult duties which devolve upon the authority who may be intrusted with the administration of the Navy."

The right hon. Gentleman then added—

"If I continue to hold the office which I now hold without giving any promise, I may say that so strong is my conviction that the constitution of the Board of Admiralty is not convenient to the public service or profitable to the public service, that probably I may hereafter consult my colleagues as to whether some change may not be desirable."

The present permanent Secretary of the Admiralty, in his evidence before the Select Committee, said—

"I object to any Board on the ground that responsibility gets spread over different members of the Board—you cannot fix the responsibility on any one individual."

And my hon. Friend the Member for Montrose (Mr. Baxter) when asked by the chairman—"You would abolish the Board altogether?" Answered—"Certainly." "You would carry out the plan completely?" Answer—"Yes." My right hon. Friend the Member for Pontefract (Mr. Childers) evidently disliked the Board, but rather feared to go the whole length of abolishing it. Our ablest writers have condemned the Board as a system of management, and I may mention, in corroboration of this view, that since 1859 there have been no less than 33 Motions made in this House either for a Committee or a Commission, or expressing, in the form of a Resolution, a decided opinion against the system of managing the Admiralty by a Board.

I hold that this Board system is wrong in theory and bad in practice; and I do trust that the House will put into form the general feeling that exists that it ought to be abolished. Before, perhaps, I put my first Resolution it would be convenient to the House that I should read the second, which states—

"That the offices of Controller and Superintendent of Her Majesty's Dockyards be held by persons who have special knowledge of the duties they have to discharge, and that their tenure of office be not limited to a term of years."

It may appear somewhat strange that I should ask the House for an opinion upon such a proposition as this; it appears almost ludicrous that I should say it is desirable that persons having important duties to discharge should have a knowledge of the matters with which they deal; but when we look at the duties the Controller has to discharge under the superintendence of the Board, and when we consider the regulations which the Admiralty has laid down for deciding on the qualifications of the person to fill this office, I think the House will acquit me of unnecessarily taking up its time in submitting such a proposition. Now, the Controller of the Navy has to settle the designs for ships; he has to see that the materials which are supplied to Her Majesty's dockyards are good; that the materials of ships built by contract are good; that the workmanship in the case of ships built by contract and in Her Majesty's yards is good; and the Chief Constructor is ordered constantly to consult the Controller on all matters. Now, in order to obtain an efficient Controller, the Admiralty laid down four regulations—First, they say, we will have a naval officer; we will exclude all shipwrights, naval architects, engineers, and civilians of all kinds. [Mr. BAXTER: Not necessarily.] I see the hon. Member for Montrose shakes his head; but I interpret the regulations to mean that a naval officer must be selected, and in confirmation of this we have the fact that a naval officer always has been selected of late years. I have understood that the regulation of the Lords of the Admiralty is that he must be a naval officer. At any rate, those who have been selected of late years to fill the post of Controller have been ignorant of the duties they have had to discharge, and in settling the designs of ships especially.

Sir Baldwin Walker admitted before the Royal Commission of 1860 that though supposed to be responsible for ships he had to be guided by his officers; and Lord Clarence Paget, before the same Commission, said that the "Controller not being a practical man must necessarily be guided by the officers under him." Then Sir Spencer Robinson, before he was appointed Controller, had been for four years in the steam reserve, for one year, in 1860, he acted as a Royal Commissioner on the Commission on Dockyard Management; and he was Controller 10 years. But if he were asked the question, whether he was competent in respect of the settling of the designs of ships, he would say he was not. He was a man of great ability undoubtedly, of indomitable industry; and I do not think the public ever had a servant that worked harder for the public cause than did Sir Spencer Robinson. It is extremely probable, therefore, that towards the close of his career Sir Spencer Robinson had attained some knowledge of the duties he had to discharge; but, through circumstances into which I will not now enter, Sir Spencer Robinson was dismissed. Whether that dismissal was for the good of the public service may be questioned very fairly. However, another was appointed in Sir Spencer Robinson's place—Captain Hall. I have nothing to say against Captain Hall; but that he is fit for the office I will not assert. He has not had that experience in the position to which he is called corresponding with that gained by Sir Spencer Robinson, whose dismissal, I am afraid, was not for the good of the public service. From what I have said, it will be clear that the Admiralty on selecting a Controller require no special training, and no particular knowledge of the duties he has to fulfil. Now, the First Lord pursues a very different course in selecting officers to command a fleet. The promotion of naval officers is regulated by length of service or experience. A captain cannot take rank as an admiral unless he has commanded a ship seven years; he cannot take rank as an admiral unless he has been commanding afloat during the last seven years; and, except on the retired list, he cannot be an admiral if he has reached the age of 55. Now, these regulations are made in order to ensure something like efficiency. And Sir Sidney Dacres

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said, before the Committee of the Duke of Somerset, that "the fact of officers remaining long at the Admiralty destroys their usefulness as sea officers." But notwithstanding the Admiralty lays down these stringent regulations for the command of the Fleet, the same Board says that no experience, and no previous knowledge of the duties is necessary in a candidate for the post of Controller, who is to have the management of five large shipbuilding yards, besides a number of steam workshops and offices. The thing is monstrous and ridiculous. I may further point out how differently we act in many other cases. We have recently sent a Bill from this House to the Lords, in which we pledge the taxpayers of this country to pay something like £8,000,000 for the abolition of purchase, and by that Bill we shall also entail upon the taxpayers of the country a large annual sum for retirement. And why is that done? In order that we may get greater skill and greater aptitude amongst our military officers. Yet you care nothing about getting greater aptitude and skill and knowledge in the man who is to build your ships. Well, then, not satisfied with this, the Admiralty lays down another regulation. The regulation is that the Controller shall be appointed for five years. Now, there are two objections to that. One is that by appointing a man for a term of years you cannot dismiss him unless he does something very gross in the discharge of his duties. Moderate incompetence would not form a sufficient excuse to dismiss him. And when he has come to the end of his term he leaves, as a rule, and leaves just at the time when he is about beginning to know something of what he has to do. You send him adrift when he is getting useful to you, and take on another man to teach at the public expense. The thing is perfectly ridiculous. It is playing with the office, and nothing less. Besides this, we have another regulation, and this deals with the important matter of remuneration. The Board says that the man who is to discharge all these important duties is to have only £1,700 a-year. Why, you cannot get a competent man for that. It cannot be done at the price in the present state of the market. There are many railway managers now in receipt of upwards of £4,000, and even £5,000 a-year. There

are locomotive superintendents receiving £4,000 and £5,000 a-year; and I say you cannot get a man to take the office of Controller at £1,700 a-year, and a pension of £540. In the matter of the pension, I may say that you give the Accountant General of the Court of Chancery £4,200 a-year pension, clearly showing that you act inconsistently in these things, and not for the public interest. It is true you may say we can get, and we do get, men to fill the office for £1,700 a-year; but would they be the right sort of men? You can get First Lords for less than £5,000 a-year. You could get them for £1,000 a-year. The number of First Lords available is enormously greater than the demand. You can pick them up by the dozen; but Controllers are not so easily found. You get a man at a price, and he may or may not be worth more. He ought to be worth more if he is competent, and there is something mean, contemptible, and shabby in a great nation like England paying their servants about a fourth of what they are worth. That is the third regulation then, and there is another. The Board holds the Controller responsible for the management of the five large dockyards, but does not give him the power of appointing his own superintendents, or managers, nor the master shipwrights. The Board keeps these bits of patronage to itself, and I say it is a great shame. It is not only unwise, but exceedingly ungenerous and unfair to hold a man responsible for certain work, and deny him the power of fulfilling that responsibility. Now, every word I have used with regard to the Controller applies equally to the superintendents. They also must be naval officers; they are appointed for terms of years, and have no power over their subordinates. As a rule, they know but little of their business. If they happen to be men of an active turn of mind they may do something, but if they chance to be the reverse they will let things go, as they usually do, without troubling themselves much how things go on. The result of all this is great apathy among the subordinates, and it is not surprising that under such a system there should be extravagance and inefficiency. We have altered, to some extent, one portion of the cost of the building of ships. We get our materials cheaper; we get them now, I believe, at the market price;

but management has much to do with the cost, and the management remains pretty much as it was. At any rate, that is the opinion of the hon. Member for Merthyr Tydvil. In his opinion, we have certainly not much improved, for in March 1870, he stated in his place in this House that he had been to a dockyard not far from his own works, and greater skulking and greater waste he had never seen in his life. But I am going to quote upon this point an authority of much greater weight than an hon. Member of this House. I am about to quote from a Memorandum put before the Lords of the Admiralty by Sir Spencer Robinson in 1867. He says—

"The very title of the officer shows the vicious and faulty arrangement of the whole administration. He is called a superintendent, he ought to be a manager. For what is he responsible? He is only the vehicle through which orders pass to the several heads of departments. A work which ought to have been done for £10,000 cost £16,000; he is not called on to account for this excess; he has no responsibility on account of it. . . . If accounts are not accurately rendered, if undue delay takes place in preparing them, he is not responsible. . . . The orders and letters addressed to him say, in terms, you are to direct the officers; you are to call upon the officers; you are to inform the officers. There is no distinct and direct responsibility for anything, either done or left undone, upon him so long as he duly transmits the memoranda from the Admiralty, the Lords, the Secretary, the Controller. . . . he has no personal and individual responsibility to the board of management as a whole, or to its numerous component parts, for bad work, for waste of money, for unthrift, for loss of time, or general negligence. He is equally without complete control over those through whose instrumentality he professes to work; he cannot promote. . . . he is checked by antiquated instructions. . . . The pay and promotion of workmen, and all the regulations concerning them, are taken out of his hands. He is distinctly a superintendent, and what is wanted is a manager. Is it wonderful that, with such an organization, the working of the dockyards is not satisfactory? If there were not waste, if there were not mismanagement, it would be a miracle."

[Mr. GOSCHEN: What is the date of that?] 1867; but I have consulted Sir Spencer Robinson; I have read to him what I have read to the House; and, as I understood Sir Spencer Robinson, every word is true now. Further, he agreed with me as to the inexpediency of the present arrangement, under which no civilian can be superintendent of a dockyard. I am authorized by both Sir Spencer Robinson and Mr. Reed to say they both thoroughly concur in the opi-

nions I have expressed with regard to the management of the dockyards. I know it may be said there are things which naval officers alone can do. If there are, let naval men be employed to do those things. My Resolution does not shut out naval officers; it only says let us have the best men, whether they are naval officers or civilians. Formerly it was said it was impossible to manage a hospital except by means of a naval officer; but that objection is now put aside, and a hospital may be managed by a surgeon without a naval officer. It was formerly held that a Fleet could not be provisioned unless we had a naval superintendent at each victualling yard. We have ceased to have that; and yet, according to my hon. Friend the Member for Montrose (Mr. Baxter), the Fleet was never provisioned more quickly and completely than on a late occasion; and he is perfectly satisfied it will be in the future. I hold that the present system not only engenders extravagance, but that it is inevitable it should also involve inefficiency. I ask, whether there is any confidence in our shipbuilding department? Will any hon. Member get up and say that the state of things is satisfactory as regards the building of our ships? What is our position? We have a Controller just appointed who knows but little of his business. ["Oh, oh!"] That is my opinion; he knows but little of his business—little about the building of ships. We have no Chief Constructor; we have not had for more than a year. The Admiralty are so extremely fond of a Board that they have put the office of Chief Constructor into commission. There are now three clerks—I am not sure whether there are not five—but, at any rate, I am quite certain there are three who are now filling the office of Chief Constructor; and these three clerks, who are now settling the designs for ships for the Royal Navy of England, are paid the munificent salaries of £600 a-year each. Then, if you go to the dockyards, you have superintendents who know nothing whatever about the business of shipbuilding. And this is your arrangement for getting the best type of ships! A little light has recently been thrown upon this matter. In "another place," a few days ago, something was said upon this question; and an Admiralty official, Lord Camperdown, said—

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"As to shipbuilding, a naval officer superintended the construction of ships, consulting the First Lord, who in turn consulted the First Naval Lord."

And this is the arrangement by which we are to get a proper type of ship! We have now been discussing for three or four months Army re-organization; and we have voted away millions for Army re-organization—that is, for our second line of defence; but we have not given five minutes consideration to the question of the construction of our ships—our first line of defence seems to be nothing compared with Army re-organization. What I contend for is simply this—Whatever branch of business we have to manage we ought to get competent men. I do not care so much whether we have a Board or a single Minister of State, provided we have in the several branches of Admiralty business, skilled, experienced, and competent men—in the strict sense of the term, competent. By competent I do not mean merely men of great ability, like the First Lord. I should say that even the Lord Chancellor of England is not fit to settle the designs for ships, nor to manage a dockyard. By competent men I mean men who know their business, and neither more nor less; and I hold that, until you get competent men, you will never have in Admiralty management anything but vacillation, extravagance, and inefficiency. I know not what course the First Lord may now take. He may meet me as the right hon. Baronet the Member for Droitwich (Sir John Pakington) did in 1867. He may, in accordance with the example of other of his predecessors, defend everything as it is, believing that it is best. I have seen abuses defended by the very men who have afterwards come forward to reform them; and I remember, in 1868, I moved for a Committee to make scientific inquiry into the construction of our ships of war. I was seconded most ably by the practical Member for the Tower Hamlets (Mr. Samuda). That Motion was opposed by the then officials, and by the late officials of the Admiralty; and it was opposed on the ground that to adopt my Motion would be a reflection upon those eminent men—Sir Spencer Robinson and Mr. Reed—and on the further ground that it would relieve the Admiralty from the responsibility which ought to attach to them. In consequence

of the weight of official influence that Motion was rejected; but nearly all the Members for large constituencies voted with me, and the Motion was defeated by the narrow majority of 10. But that which was opposed in 1868 was done in 1870, when a Committee was appointed to inquire into the designs of ships of war that had been built, and that Committee is now sitting. Therefore, whatever ground the First Lord may take, I am hopeful that the Board of Admiralty cannot long continue, and I am also hopeful that we shall obtain competent men to fill places of trust and responsibility. The hon. Member concluded by moving his Resolutions.

MR. T. BRASSEY, in seconding the Motion, said, the first Resolution was not so absolutely incontrovertible as the second. It appeared that that which was the great objection to a Board, the want of individual responsibility, had been to a great extent overcome by practice, for it had been found necessary to give the First Lord predominant influence to such an extent that he must be regarded as exclusively responsible for the policy of the Admiralty, and therefore a usage had been established which differed from the theoretical constitution of the Department, and theoretical difficulties had been overcome by common sense and discretion. Recent changes at the Admiralty seemed to offer an opportunity for re-modelling the Department and bringing its theoretical constitution into harmony with accepted usage. The evidence of the Duke of Somerset before the Committee of 1861 supported the argument that the usage was different from the theory. The constitution and practical working of the Board might be fairly tested by the results of its administration during the last quarter of a century; and, to take one subject, its failure to deal effectually and completely with the manning of the Navy had recently been demonstrated. Professional prejudice, which sometimes marred the judgment of naval men, had had a disastrous effect in the matter of manning the Navy, and it had, he feared, prevented the enlistment of fishermen in the Reserve, notwithstanding that those men would form the best possible reserve for the defence of the coast. A tendency to neglect the efficiency of the service and to regard economy in naval administration had been exhibited in

too many instances by the Board of Admiralty, an illustration of which had been afforded by the Return recently obtained by the hon. Member for Liverpool (Mr. Graves) relating to the engines recently ordered for the service of the Navy. During the past year the total horse-power of marine engines ordered was 4,760; but of these engines to the extent of only 970 horse-power were constructed on the most approved scientific principles. Compound engines effected a saving of 30 or 40 per cent as compared with the former consumption of fuel. The Vote for fuel for the Navy amounted this year to £71,000, and a saving of 30 per cent in that sum would be a very important economy, besides adding greatly to the efficiency of our vessels of war, as it would allow a steam ship which could now only carry four days' consumption of coals to carry six days' consumption, and that difference might sometimes lead to important results in the conduct of maritime war. Such an obvious neglect to make use of recent inventions would not, he contended, have been shown by a Board of men who were appointed to conduct mercantile matters. There had been a tendency shown by the Board to oppose naval reform on many professional questions. There had long been a controversy in the Navy as to the employment of a special class of officers for navigation, and the recent disaster which had occurred to the *Agincourt* in the Bay of Gibraltar showed that there might be some improvement in the system now in force for the navigation of Her Majesty's ships. The plan of the right hon. Gentleman the Member for Pontefract (Mr. Childers) needed some modification, especially as to investing the office of First Lord with a more definite supremacy. It had been said that railway and other companies were always managed by Boards, and that circumstance was adduced as evidence of the fitness of Boards to discharge administrative duties; but it ought not to be forgotten that to a great extent the management of such companies was concentrated in the hands of the chairman, and the decision of any important matter was usually left to him and one or two of the leading members. The reform of the Admiralty Department would have been more complete if the plan of government by a Board had been abandoned

and a competent naval staff had been created in order to carry on the business and to afford the necessary advice to the First Lord, for any attempt to dispense with that advice must cause serious disaster. On such a naval staff there would be an officer as commander-in-chief, under whose direction the *personnel* of the Navy would be governed, and under him there would be an admiral and a third officer to give the necessary advice. As regarded the *matériel* there should be a Chief Constructor and departments charged with the supervision of stores and gunnery. An interesting Report was published not long ago by the Secretary of the United States Navy, which Report was unfavourable to the designs, construction, and condition of the United States Navy. And that state of things was attributed to the neglect which had too long prevailed in the naval administration of the United States to make use of professional advice. The experience of the foreign navy went to establish the wisdom of the principle formerly adopted by the administration of this country, which had always recognized the necessity of following professional advice on all professional questions. He should have been glad if much of the talent that was now engaged in the merchant service had been attracted into the Royal Navy, which would in that case have led rather than have followed in naval affairs. Some objection had been raised to the patent under which the Board of Admiralty was constituted; but that was sufficiently answered by Mr. Sidney Herbert's remark that—

"Whatever the patent might be, the Minister who held the purse-strings and represented the Department in the House of Commons would always have the power in his hands."

The recent history of the Board of Admiralty proved that a too hasty attempt had been made to alter the organization of a long-established department, and it was to be regretted that so many experienced officers had left the public service in so short a space of time. Another error that had been committed was making the Department depend too exclusively upon the First Lord, which was the more objectionable on account of the frequent changes in office which our Parliamentary system involved, and under such a plan it was impossible that our affairs could prosper. He trusted

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that in the statement about to be made by his right hon. Friend the First Lord of the Admiralty they would find that most incontrovertible proposition laid down, that when an officer had been found adequate to the duties imposed on him, he should not be removed in obedience to a red-tape rule, involving a change of office within a fixed term of years.

Motion made, and Question proposed,

"That, in the opinion of this House, it is desirable that the Board of Admiralty be discontinued; and that the offices of Controller and Superintendent of Her Majesty's Dockyards be held by persons who have special knowledge of the duties they have to discharge, and that their tenure of office be not limited to a term of years."

—(*Mr. Seely.*)

Mr. GOSCHEN said, he had had several successions of acute regret as he listened to the speech of his hon. Friend the Member for Lincoln (*Mr. Seely*). He was sorry that his hon. Friend, in the course of his speech, should not have given more prominence to the very great changes which had been made in the Admiralty — changes, too, which had been in a certain sense made in the direction which he himself had advocated. He was also sorry that the speech had not been delivered in "another place," in reply to the criticisms on the conduct of his right hon. Friend the Member for Pontefract (*Mr. Childers*), and that his hon. Friend should have made remarks calculated to wound the feelings of many efficient public servants. Nothing, he felt sure, could have been further from the intention of his hon. Friend; but in what he said, he did much to depreciate the merits of some who had performed efficient public service. His hon. Friend, for instance, had accused the Admiralty of placing in the position of Controller of the Navy, Captain Hall, a gentleman who, according to the assertion of his hon. Friend, possessed no special knowledge whatever. But the fact was, that Captain Hall had for years occupied the post of Dockyard Superintendent, and had superintended the building of many of our large ships. He had given eminent proof of his qualifications for years past, and it was exactly for the possession of this special knowledge that Captain Hall had been selected. Again, his hon. Friend had, in his opinion, most unfairly described the gentlemen who

performed the duties of Chief Constructor of the Navy as mere clerks. These gentlemen were men of very great ability—two of them particularly were men of considerable genius as shipbuilders—but the description given by his hon. Friend would leave the public to believe that they were unfitted for the performance of the duties which were attached to the offices they filled. It was true these gentlemen were working at comparatively moderate salaries; but he would venture to assert that they were thoroughly efficient public servants, and not only capable, but worthy of filling the posts which they occupied. Then he regretted that his hon. Friend, whom he was glad again to welcome as a critic of the Admiralty, had failed during the last two or three years to assist the Department with his criticism. His right hon. Friend the Member for Pontefract (Mr. Childers) had, during that time, made some very important changes—changes which had been much criticised by the Press and throughout the country; but in that criticism his hon. Friend had had no share. His hon. Friend did not allude to the fact that there was at present sitting a Committee of Designs who were examining that very important question—the construction of our ships. He (Mr. Goschen) thought it would be wiser to suspend any appointment to the post of Chief Constructor of the Navy until that Committee had reported. And he must confess his surprise, too, at the fact that his hon. Friend had not in any way discussed the celebrated Order in Council, by which so many of these changes had been effected. He had fancied, from the terms of the Motion which had been submitted to the House, that his hon. Friend had intended referring to some of the results of these changes; but he had not even mentioned the fact that these changes had entirely altered the constitution of the Board of Admiralty. His right hon. Friend the Member for Pontefract had established to a degree previously unknown, or at least had endeavoured to do so, the personal responsibility of the First Lord of the Admiralty. It was one of the cardinal points in his right hon. Friend's scheme, and one in which he entirely concurred, that the First Lord of the Admiralty should not avail himself of the Board to relieve himself of his personal responsibility. His hon. Friend

had quoted from a Paper written by Sir Spencer Robinson, 1867, as if it had described the present state of things; whereas it described a state of things antecedent to the changes which had taken place. In asking his hon. Friend for the date of that Paper, he understood his hon. Friend to say, that he knew from Sir Spencer Robinson that it described the existing state of things. But anyone who had read it would see that that able public servant referred to matters which had been materially improved within the last two or three years, and to circumlocutions which no longer existed. His hon. Friend seemed to attribute every shortcoming in the Navy to the presence of the Board. He supposed his hon. Friend to mean that if the Board had been abolished our sailors would not have been found serving in Australia, and that the dissatisfaction which existed among the officers was due to the fact that the naval element of the Board had not been abolished. Now, he (Mr. Goschen) had understood that the great complaint of the naval officers was that the naval element was not strong enough; but he thought that objection had been sufficiently answered by the Seconder of the Motion. The hon. Member for Lincoln had suggested that if there had been no Board we should have been able to recruit a larger number of seamen than we had done. [Mr. SEELY said, that was not the purport of his remarks.] He understood that to be the substance of his hon. Friend's remarks in pointing out the causes of the short supply of seamen. But his hon. Friend the Member for Hastings (Mr. Brassey) went further, and appeared to think that if there had been no Board of Admiralty everything would have gone right. Still, the speech of his hon. Friend the Member for Lincoln was, he thought, partially answered by the speech of his hon. Friend the Member for Hastings, who had pointed out that the real question was, in what form could the best professional advice be secured to the Board of Admiralty? A good deal had been said about the necessity of having special knowledge. Now, he concurred in so much of what had been said that he did not contend that the Board ought to be used simply for the purpose of relieving the First Lord of the Admiralty of any portion of the responsibility properly belonging to

him. The hon. Gentleman the Member for Lincoln had alluded to the frequent changes in the person of the First Lord, and his consequent want of experience of the special duties with which he was charged. That was rather an argument in favour of than against a Board, because if the First Lord was without special knowledge he must look for high professional advice, and ascertain what were the opinions of the profession. The administration of the Admiralty was not the administration of a manufacturing department, and could not be compared with the administration of the Peninsular and Oriental Company, and the North-western Railway Company. But these large establishments were managed by Boards, just as the Admiralty was managed by a Board, and he therefore did not see the force of the argument of his hon. Friend. The Admiralty had to deal with men and officers as well as the construction of ships. With regard to the question of economy and efficiency, and the construction of ships, he agreed with his hon. Friend the Member for Lincoln. They must be constructed in the cheapest manner compatible with efficiency, and according to the rules of commerce as far as possible; but it should be borne in mind that in dealing with the *personnel* of our Fleets there were hundreds of questions brought under the notice of the First Lord of the Admiralty and his colleagues which would not require consideration by a private firm. The Lords of the Admiralty were responsible, not to themselves only, but also to Parliament and the country, their conduct being regulated by statutes of the realm, and this constituted an enormous difference between them and private employers. Speaking of the appointment of subordinates by the Controller of the Navy, his hon. Friend had said it was a shame to hold him responsible without giving him the patronage; but this was precisely what his hon. Friend proposed to do with respect to the First Lord of the Admiralty and his colleagues. Now, the Lords of the Admiralty felt that they were responsible to the House for every shilling they spent, and that they could not shift the responsibility on to their subordinates as the head of a private manufacturing establishment could. For example, he should certainly be at once questioned in the House if some distinguished naval

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officer had his salary doubled, while the salaries of the other officers were not increased, and here he might remark that the First Lord of the Admiralty spent much of his time in preparing himself for the frequent interpellations of Members of Parliament, who examined and cross-examined him on all kinds of subjects connected with his administration. He thought that his right hon. Friend the Member for Pontefract had rendered most eminent services to the country by introducing to a great extent the commercial element in the purchase of stores, and all the departments of the Admiralty where it could be properly applied. He had been attacked for having done so, but could be defended on every point, and it could be shown that very few public servants had rendered more eminent services to the country. He entirely concurred in the spirit of the hon. Member for Lincoln's remarks when he spoke of the responsibility of the First Lord, and if the abolition of the Board simply meant the establishment of that responsibility no great difficulty would be experienced. After all, this was a question as to the best plan for securing that professional advice of the highest kind which everybody admitted to be necessary. He understood the hon. Member for Lincoln to say that it could be done by the appointment of permanent officers specially acquainted with the Department. He wished, however, to ask whether it would be possible to secure the services on such terms of the most distinguished of the admirals—of men who had risen to the highest honours of the profession? Could such men be asked to join the Admiralty in the position of permanent officers in the subordinate posts which the hon. Member proposed to assign to them? Every Member of the House would agree that when they had to deal with such important questions as the discipline of the Fleet and the contentment of the officers and the general attraction of the service, they ought to be able to take on such points the opinion of the most distinguished men of the profession. It had been suggested, indeed, that when he had a special difficulty to meet he should write to some distinguished admiral to ask him to call upon him; but he ventured to think that that would not be a satisfactory method of proceeding. They wanted more than that; they required re-

sponsible advice, given to them by men who were responsible for it. He did not for a moment wish to weaken the responsibility of the First Lord when he said that; but it must be borne in mind that they required advice that was not only good in itself but which would carry weight with those who would be affected by it. If they abolished the Board of Admiralty to-morrow, they would considerably weaken the confidence felt in the Admiralty by the service generally; because the service liked to know that, side by side with the responsible Minister, there were others quite conversant with the details of the profession, and who gave advice under a sense of responsibility. The issue before the House was this—Was a Board—with a certain amount of modification to be admitted—the best system, or could a better one be devised. For Executive purposes he believed a Board to be a very bad machinery; for consulting purposes he believed it to be necessary, when the head of the Department was necessarily ignorant of certain professional points. Since the reforms introduced by his right hon. Friend the Member for Pontefract the business of the Admiralty had been managed departmentally, and the executive functions of the Board had ceased. The business was now distributed among the different Lords. The First Naval Lord was responsible for the *personnel*, the Third Lord for the *matériel*, and the Civil Lord for a number of matters, such as pensions, while the Junior Naval Lord assisted the First Naval Lord in his duties in reference to the *personnel* of the Navy. The hon. Member for Lincoln had not put the case quite fairly when he suggested that the Civil Lord of the Admiralty was intrusted with a portion of the naval duties; the truth was that the Naval Lord dealt departmentally with naval matters, and the Civil and Financial Lords with the civil and financial parts of business. That was the great change which had been introduced by his right hon. Friend the Member for Pontefract (Mr. Childers.) His right hon. Friend had been attacked on the ground that he had done away with the opportunity of the Lords meeting together and consulting on the business of the Admiralty; but he was prepared to maintain that the system of individual responsibility to which the House attached the highest importance had been

carried out. Her Majesty's Government were considering at the present moment what alterations it might be desirable to introduce into the existing system. His right hon. Friend had always dealt frankly with the House, and had never concealed the fact that the reforms he introduced were progressive, and that it was necessary to proceed tentatively. But it was unjust to argue that they should now be altered or abolished because they had not fulfilled all the expectations that had been formed of them. Sufficient time had not yet elapsed to test their full efficiency. Many of the reforms that had been at first most vigorously attacked were now admitted to be effectual by all persons, and he did not think that it would be right in him, after he had been only three months in office, to submit to his colleagues plans for proposing important alterations in the other reforms of his right hon. Friend, and which his right hon. Friend had elaborated with great care and labour. He must say that he thought rather hard justice had been dealt out to his right hon. Friend, who had introduced the new system under some circumstances of great difficulty arising out of personal matters, and who was now unable to be present to defend his work. He appealed to those hon. Gentlemen especially who had approved these changes when they were first introduced to give them a fair trial. The members of the Admiralty were now working harmoniously together, and as long as that was the case it mattered very little whether the Admiralty was called a Council or a Board. As to the second Resolution—

"That the offices of Controller and Superintendent of Her Majesty's Dockyards be held by persons who have special knowledge of the duties they have to discharge, and that their tenure of office be not limited to a term of years,"

he wished to say that the Government were always anxious to secure persons with a special knowledge of the duties they had to discharge. He denied that men without special knowledge had been appointed. Did his hon. Friend mean that they should take the manager of a private firm—for instance, that of his hon. Friend the Member for the Tower Hamlets (Mr. Samuda) — receiving £2,000 a-year, and offer him £3,000 to assume the management of our dockyards? He maintained that the best manager of a private firm might not be

the best for a public dockyard, the condition of things in each was so different. He was perfectly ready to admit that if a civilian who was better than a naval officer could be secured for the post he should be taken. He was not aware that there was any regulation that a superintendent should be a naval man. It had been the practice that he should, but there was no regulation to that effect, and the naval men who had filled the office had been selected from the belief of their special administrative capacity. They took one officer and gave him the command of a ship because he seemed to have the qualities of a good commander, and they took another for the management of the dockyards because he possessed administrative capacity and understood shipbuilding and the management of stores. It was quite fair that this should be an open question. If we had got naval men who, in regard to business capacity, were equal to civilians, his hon. Friend himself would hardly say that they should not be appointed. The Controller of the Navy might be a civilian—there was nothing to prevent it—and the remarks which he had made with regard to the superintendent held good with respect to the Controller also. If a man in every respect capable of being a Controller were found he might be appointed to the office whether he was a civilian or a naval man. But there were great advantages in having naval men appointed if they fell in with the civilian view of naval administration, which in many cases was essential to the proper discharge of the duties. Many naval men were of great experience, their own lives and the lives of others under them depended on the efficiency of the Fleet, they were deeply interested in the matter, and if they were as capable as others there were some advantages in employing them. He would be sorry to assent to any Motion requiring that the Controller of the Navy should always be a naval man or that he should always be a civilian; but he had no objection to say that he should always have special fitness for the office. There were many gallant Admirals who had devoted themselves to the study of shipbuilding and had great knowledge of the subject, and what he wished to impress upon the House was that we should not get into the habit of setting the civilian element against the naval, but admit the

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value of both. While anxious for the efficient administration of naval affairs, it was of the greatest importance that we should not do anything which should lead naval men to think that their views in those matters were entirely ignored. He trusted that the House of Commons would maintain at any cost that the Navy should always be administered from a civilian point of view. But while that was so, it was of great importance that the confidence of the Navy should be secured. Sir Spencer Robinson, and other gallant Admirals, had been able to appreciate the civilian point of view, and to render services which the House of Commons valued most highly. He trusted his hon. Friend would not press his Motion to a division, or ask the House to abolish a system which had worked well without saying what was to be put in its place. As regarded the second part of the Motion, it was a truism to say that only persons having special knowledge should be appointed.

MR. CORRY said, that he had heard only a very small portion of the debate, but he understood that the right hon. Gentleman the First Lord of the Admiralty had stated in the course of his remarks that the late First Lord had introduced the system of his own complete responsibility, and that former First Lords had been too much guided in their decisions by their Boards. Now he, on the contrary, maintained that the late First Lord had done more to undermine the individual responsibility of the First Lord than anyone who had previously filled the office. Although that right hon. Gentleman had brought forward all his changes with the idea of vesting all responsibility in the First Lord, the moment a great calamity happened—the moment the *Captain* went down—he immediately sought to relieve his own shoulders from all the weight of responsibility and to throw it on his subordinates. Under the former system all the circumstances connected with the *Captain*, and her stability, would have been discussed at the Board of Admiralty in the presence of the First Lord, who would have heard the opinions of his four naval colleagues, and could not have exonerated himself from the responsibility. There was no point upon which the late Sir James Graham insisted more constantly than that the First Lord of the Admiralty was entirely responsible. If he

might be allowed to do so, he would illustrate the matter by his own case. When he was appointed First Lord of the Admiralty in 1867, the programme of the year had been determined by his predecessor, his right hon. Friend the Member for Droitwich (Sir John Pakington). In that programme provision was made for the building of a large frigate—a second *Inconstant*. For various reasons upon which he need not now enter, he decided upon setting aside the plan of his predecessor, and building a lighter class of vessel, the *Volage*, whereby he obtained the means of building an additional iron-clad. That was done by him on his own responsibility, although he had the assistance of the same Board of naval advisers as his right hon. Friend. He gave that instance to show that the responsibility of the First Lord under the old system was complete. He would now say a few words as to the abolition of the Board of Admiralty, which was the main proposition of the hon. Member for Lincoln. He thought the whole of the evidence taken before the Committee, presided over by the Duke of Somerset, pointed to the absolute necessity of a consultative Board to advise the First Lord of the Admiralty, and a great part of the admitted evils of the new system was attributable to the discontinuance of such a Council. He should be sorry, more especially in the absence of the right hon. Member for Pontefract, to say anything which might cause him pain, but he believed that under the old system the *Captain* would not have been lost. Under the old system such information would have been given to the First Lord of the Admiralty by his naval colleagues as would have led to such a degree of caution as would have avoided that great disaster. Under the present system the First Lord of the Admiralty was the only person cognizant of the business of every department, and the other Lords were, by the Order in Council of 1869, reduced to the position of mere heads of departments. Under the old system every member of the Board knew perfectly well what was the whole policy of the Board, and when one was absent another was thoroughly competent to undertake his duties. That advantage had been entirely lost under the new system. To those who had had experience of Admiralty administration the idea of doing away with a Board was absurd. The

government of the Navy required special knowledge which no civilian could have. He could not understand how these affairs could be carried on in an efficient manner without a Board, not only advising the First Lord, but undertaking his duties in his absence. He was very glad to hear that the First Lord of the Admiralty had under consideration certain reforms of the present system, because he (Mr. Corry) was sure that, if it was allowed to continue, they would come to grief, and indeed they had come to grief enough already. That was a question with which he would deal on a future occasion. With regard to the question raised by the hon. Member for Lincoln as to the superintendence of dockyards, anyone acquainted with the subject knew that the superintendent of a dockyard had not merely to superintend the repair and building of ships, the repair of engines, and matters of that description, but that one of his chief duties was to make suggestions to the Admiralty respecting rigging, armament, the fitting of magazines, and other such subjects—in short to see that everything was done to make the vessels fitted under their superintendence thoroughly efficient as vessels of war. No civilian could be competent to perform these duties, but the superintendents of dockyards being naval officers of experience, were able to give very useful advice to the Admiralty in these respects. Having had 30 years' experience of these matters he knew that there was no jobbing in these appointments, and that these officers were invariably chosen for their efficiency. He hoped, therefore, that the First Lord of the Admiralty would not give way to the cry for appointing civilians to such posts. As to the Controller of the Navy, he should be disposed to agree with Sir Frederick Grey, and some other witnesses before the Duke of Somerset's Committee, and to think that the office might be abolished, and the construction department placed under a civilian under the old title of surveyor with a Lord of the Admiralty having the general superintendence of the dockyards. Without pledging himself to that view, however, he thought improvements might be made in the present arrangement. He earnestly hoped that the Motion for the abolition of the Board of Admiralty would not be adopted.

MR. SAMUDA, after speaking of the necessity for obtaining scientific advice outside the Admiralty, remarked that under the system which existed before the late First Lord (Mr. Childers) went into office, the Controller of the Navy was an officer of the Board, and not a Lord of the Admiralty; and in the position of officer he was compelled to submit to the Lords of the Admiralty all the operations which were passing in his Department, with such Minutes as he and the Chief Constructor thought it advisable to give to the Admiralty to enable them to form a judgment as to the course they should take. If that same system had been persevered in, their reports in reference to the *Captain* would have been brought before the Board of Admiralty in its consultative form; and if their opinion had been brought before an independent Board, he wanted to know whether any independent Board would have allowed the *Captain* to go to sea? It was perfectly clear that, whatever advantages were being derived from the change, the whole power of consultation in that Board was destroyed. The Board had been reduced to a number of separate heads of departments, and the First Lord of the Admiralty, by consulting any one, might resist the advice of the Board and fall into the most serious error, because it was absolutely impossible that from his own amount of knowledge he could sift any evidence put before him by the head of the Department. On reading the Resolution of the hon. Member for Lincoln he should have conceived that it meant that it was desirable the present Board of Admiralty should be discontinued. But it appeared to him that the Board had already been discontinued; the present Board, as a Board, did not exist. The second part of the hon. Member's Resolution was to the effect that the offices of Controller, and also of Superintendent of Her Majesty's Dockyards, should be held by persons who had special knowledge of the duties they had to discharge, and that their tenure of office should not be limited to a term of years; but he was not prepared to admit, as a general rule, that those who occupied the offices in question did not possess that special knowledge. As to the evidence given at various times before various Committees by Sir Spencer Robinson, he quite agreed

that whoever was placed in the position of head of the shipbuilding department should have the control of the purchase of materials as well as the distributing of the materials; but that arrangement appeared to have been entirely upset by the late First Lord of the Admiralty (Mr. Childers). He admitted that if the arrangements of the Admiralty were less departmental and exclusive, and if those who administered its affairs were to avail themselves of the knowledge to be found among persons acquainted with naval matters outside the range of Admiralty officials, the result would be greatly to the advantage of this Department of the State; but for the reasons that he had already referred to he could not support the views or the Motion of the hon. Member for Lincoln.

SIR JAMES ELPHINSTONE expressed his confidence that the right hon. Gentleman now at the head of the Admiralty would avoid the errors which his predecessor in office had committed. The former Admiralty administration had committed most desperate mistakes, which had culminated in a catastrophe which had not happened to the British Navy since the loss of the *Blenheim* in 1807. It was clear that catastrophe was imminent before the *Captain* went to sea; and had not the Board of Admiralty been practically abolished before that event occurred she would never have been permitted to sail. The loss of that ship and that ship's company lay at the door of the Government of the country. They could not escape from it; and they could not escape from the duty imposed upon them of providing for the widows and orphans who had been left desolate in consequence of that unhappy accident. The country felt so strongly that this duty lay upon the Government that it had been found impossible to raise the money by public subscription which was necessary in order to support those who had been dependent upon the seamen who went down in that vessel. It therefore became the duty of the Government, as men of honour, to supplement the miserably inadequate fund subscribed for the widows and orphans of the men who were lost in that ill-fated ship. He, for one, objected to Gentlemen who knew nothing at all about the Navy coming forward as Navy reformers, economists, and financiers. They had had a great deal too much of that; they had

had Committees on Accounts, and Admiralty Commissions and Committees on all sorts of matters originated by men who knew nothing about a ship, and the consequence had been to disorganize the British Navy, and do it more harm than could be inflicted by our bitterest enemy. They had seen a most abominable system of jobbery introduced. Under the auspices of the hon. Member for Montrose (Mr. Baxter), a large quantity of stocking feet were sold, besides numberless other articles, which on the breaking out of the late war they tried to buy back again at a considerable advance in price. They had sold the cat-block of the *Royal George*, which he had himself tried to buy, but an old Jew asked him £10 for it, though probably he himself had not paid more than 10s. for it. They also sold Deptford Dockyard, and likewise set to work to negotiate the transport of our troops through private agencies. That, however, he understood, had broken down, like the other operations of the last Board of Admiralty, and like that Board itself. His only objection to the right hon. Gentleman (Mr. Goschen) was that he identified himself with his predecessor, who had disgusted the service and brought it to the lowest ebb. There was no analogy whatever between a commercial or private manufacturing firm and the naval establishments of this great country, which must be capable of easy expansion and contraction as circumstances demanded. The House was employed day after day in discussing Bills which had little chance of passing, and the real business of the country was postponed till the month of August, when everybody would be tired out and disgusted with the course of one of the most dreary and fruitless Sessions ever known.

MR. KINNAIRD asked whether any private establishment would thrive if the persons at its head were liable to be constantly changed as was the case at the Admiralty? One Admiral of the Fleet had lived to see 24 successive First Lords appointed, and in the last five years they had had five First Lords. His right hon. Friend (Mr. Goschen) had apologized because he had been only three months at the Admiralty, and it was not to be expected that a gentleman under such circumstances could easily make himself master of all the important

and difficult questions connected with naval administration. The interests of the service ought not to be sacrificed to Parliamentary convenience, and he should vote for the Motion of his hon. Friend (Mr. Seely) as a protest against a system which was most defective and had become almost ridiculous.

MR. SEELY: I wish to explain that I referred in the course of my remarks to a Memorandum by Sir Spencer Robinson, dated 1867; and I think a reference to that Memorandum will show that the remarks I quoted are strictly applicable, to the best of my knowledge and belief. The remarks apply to the office of superintendent, and no change has been made since that time. With regard to the Board of Admiralty being a political machine, I may remark that in one sense it may be, but in another it is not. The Board of Admiralty does not determine what the force of the Navy shall be; the Board of Admiralty is simply a department for giving us a proper supply of officers and men and ships. It is a mere matter of business, and I hold that is what the House should thoroughly understand. What I want to impress upon the House is that it is the duty of the First Lord to take care that the most competent men are intrusted with the duty of obtaining those officers, those men, and those ships, and to give inducements to those officers to get a sufficient supply of seamen, and to let the ships be of the best description.

Question put.

The House *divided*:—Ayes 30; Noes 110: Majority 80.

LEGAL EDUCATION.—RESOLUTIONS.

SIR ROUNDELL PALMER in rising to move the following Resolutions:—

"1. That, in the opinion of this House, it is desirable that a General School of Law should be established in the Metropolis, in the government of which the different branches of the legal profession in England may be suitably represented; and that, after the establishment thereof, no person should be admitted to practise in any branch of the legal profession, either at or below the Bar, or as an attorney or solicitor in England, without a certificate of proficiency in the study of Law, granted after proper examinations by such General School of Law.

"2. That an humble Address be presented to Her Majesty, praying that Her Majesty may be graciously pleased to take into consideration the

expediency of establishing and incorporating under Her Majesty's Royal Charter, a General School of Law in the Metropolis, in the government of which the different branches of the legal profession in England may be suitably represented; and assuring Her Majesty that if it shall appear to Her Majesty to be expedient to provide by such Charter that, after the time when such General School shall be fully established, no person shall be admitted to practise in any branch of the legal profession, either at or below the Bar, or as an attorney or solicitor in England, without a certificate of proficiency in the study of the Law, granted after proper examinations by such General School of Law, this House will be prepared to concur in such legislation as may be requisite to enable Her Majesty so to do."

said: * Sir, I hope the House will believe that I am not influenced by any mere professional prepossession or prejudice when I speak of the law of this country as a matter of the most vital importance to all our institutions and all our interests, and when I assert that a sound system of education in the law is a subject most worthy of the attention of this House. And, certainly, when it is remembered how long it is since this House gave its attention to that subject, and how great the defects of the existing system are, it is rather a cause of surprise that the matter should have been left unsettled until now, than that I should be bringing it to the notice of the House at the present moment. What is the true character of the prevailing system of legal education in England? When the high reputation and attainments of the many great men who have adorned the profession are considered, when the great power which the profession has always exercised in the State is borne in mind, together with the important duties which its members are called upon to discharge, it might naturally be supposed that the system of legal education which has produced such men must in itself be of a very excellent kind. And, yet, if there is one point upon which public opinion may be said to be almost unanimous, it is that legal education is, and has long been, in a very unsatisfactory condition. Ages ago Chief Justices spoke of our Inns of Court as a legal University, and not only was there a strong desire to establish in them an efficient school of law, but they were provided with large resources and means, intended to produce great results. The whole of that system has fallen into a state of decay, and within the recollection of those now living it is no untrue description of our law studies to say that they have

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been unscientific, unsystematic, desultory, and empirical. A young man comes from school or from the University—or wherever else he has received his general education—well prepared, I will suppose, and grounded in general elementary knowledge. He then endeavours to qualify himself for the legal profession by seeing practice—a very good thing in its way, if accompanied by the acquirement of a solid, scientific, and systematic knowledge of the principles of jurisprudence and the history of the law. Instead of that, however, no broad, no scientific foundation is laid. He studies text-books, wades through undigested and often questionable decisions of the present day and of former days, as they are reported in the voluminous books of cases; he goes into the chambers of a conveyancer, and afterwards of an Equity draftsman or a special pleader, with a view to see how business is done. He gets what advice he can from his much-occupied tutor, or from the friends he makes in the profession, or in the pupil-room; and thus picks up such elementary knowledge of law as he can put together. He then commences practice, and learns the business of his profession really and truly by practising, more than by anything else, and after he begins to build up the superstructure in this way he has very little time to amend or enlarge his foundation. Now, let not the House suppose that this is a matter which concerns those only who practice the law. It is very important to the country that those who practice the law should have a good scientific knowledge, because, although it may be true that men do not succeed in business unless they prove themselves competent to transact it, yet, on the other hand, they would transact it better, as individuals and as a class, in proportion to the depth and solidity of their acquirements; and not only would that be the case with the most eminent members of the profession, but it would be so, in an even more important degree, with those whose performances are less under the public eye, both among barristers and solicitors. There can be no doubt that great benefit would arise in the practice of all branches of the law from an improvement in the system of study. But the evil does not stop there. The want of this science, of this foundation, of this method, is felt everywhere. The

great and notorious defects of form and consistency in our legislation are, in a large measure, the result of law not being studied in England as a science; and, so far from there being any promise of amendment in this respect, under the present system, there is every prospect of matters becoming worse. Our judiciary again suffers greatly: for as Judges are multiplied in the Superior Courts, and local Courts are established throughout the country—a multiplication which is absolutely necessary for the due administration of justice—that multiplication itself tends more and more to bring into prominence the want of governing principles, the incoherent character of our jurisprudence. With the multiplication of Judges you get constantly diverging views, a continually increasing variety of precedents, and increasing uncertainty in their application. There are other considerations, in addition to those I have mentioned. When we consider how many important offices of the State, requiring legal knowledge and legal habits and methods, are confided to barristers of a certain standing, it is plainly of great importance that a system of education should be established which may enable the members of the class from which these appointments are made, to acquire a good and sound general knowledge of the law, and, at the same time, afford to the public some guarantee of the possession of that knowledge by those on whom the appointments are conferred. Again, the whole of the magistracy throughout the country, paid and unpaid, though not entirely recruited from the class of barristers, is at all events selected from a class to whom it would be of great importance to have afforded them the means of acquiring sound instruction in the law. Would it not be of immense advantage, too, to those who come here to make laws, to have the opportunity of acquiring such knowledge before undertaking the duties which we are here called upon to discharge? And I may say that, with regard to all men of business throughout the country—to our merchants, to the non-professional classes as well as the professional, it would be of great value and importance if a good school of law were established, where every man who wished to be instructed in the elementary knowledge of the laws of his country could obtain

that instruction in a sound and scientific form. But, further, we must remember that we are the centre from which radiates law to other great regions of the earth. In the colonies and in the East Indies we undertake the administration of the law, and we send out a continual supply of Judges and barristers to carry on the traditions, the knowledge, and practice of our law in those remote possessions. Is it not of the greatest importance that we should do our best to ensure the proper qualification of those whom we send? But, perhaps, I ought to apologize for having dwelt so long upon the importance and the necessity of an alteration in the present system, because it is not recently—it is as long ago as 1846—that this House directed its attention to that subject. A Select Committee was then appointed, one of its Members being, if I recollect rightly, the right hon. Gentleman the Member for the University of Cambridge (Mr. S. Walpole). That Committee made a Report from which I will take the liberty of reading a few passages—passages which, with very little qualification, would represent the state of things now, as they represented the state of things at that time. The Committee say—

“That the present state of legal education in England and Ireland, in reference to the classes, professional and non-professional, concerned, to the extent and nature of the studies pursued, the time employed, and the facility with which instruction may be obtained, is extremely unsatisfactory and incomplete, and exhibits a striking contrast and inferiority to such education, provided as it is with ample means and a judicious system for their application, at present in operation in all the more civilized States in Europe and America.”

They add—

“That it may be asserted as a general fact, to which there are very few exceptions, that the student, professional and unprofessional, is left almost solely to his own individual exertions, industry and opportunities; and that no legal education worthy of the name is at this moment to be had in either England or Ireland.”

That was written in 1846; and though there has been some improvement since, that improvement has not been of a very important or extensive character. The Committee go on to say—

“That, among the consequences of this want of scientific legal education, we are altogether deprived of a most important class, the legists or jurists of the Continent—men who, unembarrassed by the small practical interests of their profession, are enabled to apply themselves exclusively to law as to a science, and to claim by their

writings and decisions the reverence of their profession not in one country only, but in all where such laws are administered."

I will also mention one other just and important observation which was made by that Committee—

"That a system of legal education, to be of general advantage, must comprehend and meet the wants, not only of the professional, but also of the unprofessional student."

It ought to be open to all the country, and not be confined merely to those who are desirous of practising the law. As a remedy for these evils, the Committee recommended that the Inns of Court should be united into one body, so as to

"Form for all purposes of instruction a sort of aggregate of colleges, or, in other words, a species of Law University."

I referred just now, among other considerations, to those connected with India and our colonies; and with the permission of the House, I should like to read an extract from a letter which I have received from an eminent Indian Judge, who takes a warm interest in this subject. The writer is Mr. Justice Markby, one of the Judges of the High Court at Calcutta; he says, "with the greatest confidence," that

"The want expressed by the movement is already felt in every part of India. It is through the administration of the law that England has her strongest hold on India. It is at this point that she has most completely broken down those barriers which in other matters separate us so widely from our Indian fellow-subjects."

He then refers to the appointment of Native Judges, both in the Mofussil, and, in four instances, as members of the High Court itself; and adds—

"In all parts of the country a Native Bar is springing up. I am satisfied that this desirable state of things is due, in a great measure, to the link which has been formed between England and India by the Bar; and I look with the greatest satisfaction at the prospect, that this link will be still further strengthened by the growing habit of Hindoos and Mahometans to resort to England for the purpose of studying law at the Inns of Court. But can anyone say that they find there what they have a right to expect? Surely they ought to find a thorough and complete system of education. If this is desirable for ourselves, much more is it desirable for a Native of India. A Native of India requires, even more than an Englishman, some systematic instruction, before he attempts to acquire the art to practise. Indeed, I do not hesitate to say, that the most conspicuous failures of Native lawyers in India have arisen entirely from the want of this preliminary instruction. . . . It seems to me, therefore, not too much to say that the question which has been mooted is one of Imperial concern."

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It will be remembered that one of the recommendations contained in the Report of the Committee of 1846 was, that the four Inns of Court should be brought together and organized, so as to form for all purposes of instruction a sort of aggregate of colleges, or, in other words, a species of Law University; and they advised, amongst other things, that there should be admitted to some, at least, of the lectures to be given in the Inns of Court, when so organized, students intended to follow the profession of attorneys and solicitors. I mention that to show that it was seen, even then, that it would not be desirable, in the early stage of legal education at all events, to draw any absolute line of separation between those who were intended for different branches of the profession; but that the advantages which would result from the proposed change ought to be open to all who might be able and willing to profit by them. That Report was not productive of any immediate effect; but the subject did not entirely go to sleep; for in 1851, I think, the Inns of Court began to bestir themselves, and set on foot that system of assistance to legal education, of the results and character of which I will presently give the House some account. In 1855 a Royal Commission, which had been appointed in the year before, with the limited object of inquiring into the Inns of Court and Chancery, and which included the present Lord Chancellor, who was its Chairman, Lord Westbury, Lord Chief Justice Cockburn, Sir John Taylor Coleridge, Sir Henry Keating, Sir John Shaw Lefevre, and other eminent persons, adverted in forcible language to the evils which I have mentioned. They took the evidence of many witnesses of great experience; and in the result they recommended that a University should be constituted, with a power of conferring degrees in law, and with a Chancellor and a Senate to be elected in certain proportions by the Inns of Court; saying—

"We deem it advisable that there shall be established a preliminary examination for admission to the Inns of Court of persons who have not taken a University degree, and that there shall be examinations, the passing of which shall be requisite for the call to the Bar; and that the four Inns of Court shall be united in one University for the purpose of these examinations, and of conferring degrees."

I will now give the House some account of what has been done by the Inns of Court. As I said, it was in 1851 that the scheme began, of which the ultimate result was the establishment of the present "Council of Legal Education," a body representing, and receiving pecuniary assistance from, the four Inns of Court. The operations of that Council have hitherto been limited to affording opportunities of improvement, by means of lectures given by readers in different branches of law, and of voluntary examinations to those students who are willing to profit by them. Down to the present time it has continued to be possible for anyone to be admitted to the Bar, without any test to ascertain whether he possesses any legal knowledge. Eating a certain number of dinners, and attending for a year in a barristers's chambers, or attending for one year a prescribed course of lectures, is all that has been required; the alternative being at the same time offered of passing an examination which, being perfectly optional, very few have chosen to go through. Five lectureships in the whole have been established in different branches of law, with the results, in figures, which I will proceed to give. By the accounts for the year preceding the 10th of January, 1871, it appears that the contributions of the four societies, including what they gave for the expenses of the establishment, amounted to £1,440; the students' fees for public lectures amounted to £3,174; and the students' fees for private lectures to £556. These figures are sufficient to show that such a system as that which I desire to see established might easily be made capable of supporting itself. And now with respect to the students. The number of attendances of students on the several courses of public lectures during the same year was 376; but here I ought to mention that I do not think these figures mean that 376 individual students attended lectures during the year, because probably in many cases the same person attended more than one course of lectures, and is counted for each course. The number, therefore, attending the lectures, in the aggregate, was 376, subject to that deduction. Subject to a like deduction, there were 101 students who attended the private lectures, and 25 who attended the lectures on Indian law. Only 58

offered themselves for the general examination, and 30 for the voluntary examination for exhibitions; of whom again, several must have been counted more than once, if—as is most probable—the same students were examined in several different subjects. These figures represent, down to the present time, the numerical results of the present system. With regard to the instruction itself, and the profit to be derived from it, the narrowness of the system has an unavoidable tendency to confine the advantages it is calculated to confer within a very limited range. The attendance is not sufficiently numerous, nor are the tests of proficiency sufficiently substantial to stimulate to the utmost the energies of either teachers or pupils. I am afraid that, with the exception of a few distinguished students, the thing has worked in a languid, imperfect manner, because the scheme was not comprehensive or bold enough to produce serious and important effects; and I need scarcely add that the absence of a compulsory test of qualification before the call to the Bar has in itself been fatal to its success. In that state of things, a Committee of gentlemen determined last year that it should not be their fault if something better was not attempted. And accordingly many members of the Bar, and many solicitors and attorneys who took an interest in the matter, united themselves into a society called the Legal Education Association. This association proposed to place the general course of studies and the examinations preliminary to and requisite for admission to the practice of the law, in all its branches, under the management and responsibility of a legal University, to be incorporated in London; to make the passing of suitable examinations in this University—or of equivalent examinations in the legal faculty of some other University of the United Kingdom—indispensable to the admission of students to the practice of the Bar, or to practice as special pleaders, certificated conveyancers, attorneys, or solicitors; and, lastly, to offer the benefits of the course of study and examinations to be afforded by the University to all classes of students who may desire to take advantage of them, whether intending or not intending to follow the legal profession in any of its branches, and whether members or not of any of

the Inns of Court. They also considered it expedient that the proposed University should be so constituted as to give a due share of representation in its government to all branches of the legal profession; and they desired to do this, as far as possible, in co-operation with the Universities of Oxford, Cambridge, and London, with the Inns of Court, and with the different law societies representing the attorneys and solicitors throughout the kingdom. And now I would state how these proposals have hitherto fared. The Universities of Oxford and Cambridge both appointed Committees with a view to friendly communication with this association. A great legal authority at Oxford has authorized me to state that that University has lately effected a complete reconstruction of its machinery for teaching and examining in law and jurisprudence, with the express object of having it ready to fit in with any comprehensive organization of legal education which may be established, either by the Inns of Court or by any body external to them. And the Petition from the members of the Bar, which I have presented to-day, is signed by Sir Henry Maine, Corpus Professor of Jurisprudence at Oxford, perhaps the most eminent of our living jurists; by Mr. Montagu Bernard, Professor of International Law, who lately acted as one of the British Commissioners in negotiating the Treaty of Washington; by Mr. Bryce, Regius Professor of Civil Law, and by Mr. Kenelm Digby, Vinerian Reader of Law at Oxford; showing most distinctly, that these gentlemen, who represent, as well as any who could be named, the scientific element of jurisprudence in this country at the present day, take an active interest in the proposals which I am now submitting to the House. At Cambridge, also, a similar disposition has been shown; on the 7th of March last the Senate of the University appointed a syndicate to confer with the Legal Education Association; and the Petition to which I just now referred bears the signature of Dr. Abdy, the Regius Professor of Civil Law at Cambridge. The University of London, by its constituted authorities, has also expressed approval of the general views and principles of the association; subject, however, to objections which they have made to the creation of a new University,

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strictly and technically so-called, with power to give degrees in law. That part of the proposal is not by any means of its essence. In consequence of that objection, and to avoid, upon the present occasion, any unnecessary cause of difference, I have altered the terms of the Notice which I had given by omitting the word "University," which might seem to have prejudged that question, which I did not intend to do. But, with regard to the substance of the plan, the University of London has expressed its approval, and I do not doubt its willingness to co-operate. I may state, moreover, that Mr. Sheldon Amos, the Professor of Jurisprudence at University College, London, has signed the Petition which I have presented to-day. We have also had a very friendly communication from the University of Edinburgh, which shows that their experience is not unfavourable to the principles of the plan; and from that communication I wish to read one passage, which bears upon the most controverted point in the scheme to which I am now calling the attention of the House. The passage to which I refer is as follows:—

"It may not be uninteresting to the association to mention that, in the teaching of the (Scottish) Universities there has never been known any distinction between students intended for different branches of the legal profession. All sit on the same benches, listen to the same lectures, and submit to the same University examinations; nor has it ever been suggested that this practice has been attended with any evil results."

Now, I come to the reception which these proposals have met with from the different legal bodies in England—and, in the first place, I may perhaps be permitted to mention that many very eminent men, including the Lord Chancellor, and not less than 11 of the other Judges in the Superior Courts of Law and Equity, have declared, and still authorize me to declare, their general approval of the scheme—and to these I am permitted to add, amongst other distinguished names, those of Sir William Erle, lately Lord Chief Justice of the Common Pleas; Sir John Taylor Coleridge, who was one of the Commissioners of 1854; and Sir Joseph Napier, formerly Lord Chancellor of Ireland, who moved for the appointment of that Commission in this House. These gentlemen, and others whom I would rather leave to speak for themselves in this or "another place," have expressed a very

warm interest in the accomplishment of the object which we have in view—and the Petition from the Bar, to which I have already more than once referred, has received, within a very short space of time, nearly 400 signatures—among which are those of 18 Queen's Counsel. With regard to the reception which the plan has met with from the different organs of the profession, if I may so term them, I will first allude to the action taken by the Incorporated Law Society. The Incorporated Law Society met in May last, and passed the following resolution, in accordance with which, they have also addressed a Petition to this House, which I presented this evening :—

"That the Society approves generally of the proposals of the Legal Education Association for a University or School of Law, and is willing to co-operate with the Association on the footing : 1. That all the several branches of legal study will be open to all who may become students, without distinction or classification, leaving them to determine with which branch of the profession they will ultimately connect themselves :—That the course of instruction of all members of the University intending to be barristers shall not be distinct and separate from the course of instruction of those intending to be attorneys or solicitors :—That an examination by the proposed University or School shall be equally compulsory on both branches ; and, that no preponderance be given to the Bar, or to attorneys and solicitors on the Governing Body."

It is only due to the Incorporated Law Society to mention that they were the first to establish an effective system of instruction by lectures, and of compulsory examinations before admission to practice, for the branch of the profession which they so worthily represent ; and that their efforts have been attended with excellent results. From the Metropolitan and Provincial Law Association we also received a similar adherence to our general views and principles ; as also from the Incorporated Law Societies of Liverpool, Birmingham, Manchester, Newcastle, Plymouth, and other important towns, from several of which I have to-night presented Petitions. I come now to the views of the Inns of Court. The Inns of Court, in consequence of communications made to them on behalf of the Association, appointed Committees to meet together, and to confer upon the subject ; and they have since adopted resolutions, which, if some of them appear to me to fall short of the best means of accomplishing the object,

are nevertheless important steps in the direction in which I wish to move. In the first place, a Committee appointed by Gray's Inn—always a liberal society—in November last adopted two of our main principles, that of a general school of law, and that of a mixed, and not exclusive, system of preliminary education. They recommended—

"That there should be a legal University, or some one body with united action, to provide means for the education of students for the legal profession ; with power to prescribe the educational qualification which shall be required from students on their admission as students, and on their being called to the Bar, or admitted as attorneys."

They were also of opinion—

"That such body should not be formed of the four Inns of Court exclusively ; but that no other body should be associated with the four Inns, save and except the Incorporated Law Society."

The Committee appointed by the Middle Temple—a society of whose early, constant, and zealous efforts, and large and enlightened views in the cause of legal education, it is impossible to speak too highly—have declared their substantial concurrence in all the principles of our scheme. They recommended—

"That there should be a legal University to superintend and control the education of students for the profession of the law, consisting of such bodies or members as are contemplated by the Council of the Legal Education Association ;" and "That passing such examination as may be established in that behalf by the legal University be recommended as one of the qualifications for admission to the Bar, and for practice as attorneys and solicitors."

From the Inner Temple, and Lincoln's Inn, we have not met with an equal degree of concurrence. Both these societies appear to be at present of opinion that it is desirable to keep the education for the Bar entirely separate, and to retain in the Inns of Court the whole of the educational power which they now possess. But in other respects they also are prepared to move forward. The Committee of the Inner Temple passed the following resolution :—

"That there should be one body, with united action, to superintend and control the education of students for the Bar, and a compulsory examination to ascertain that they are properly qualified before being called to the Bar. That such one body should be formed exclusively of certain persons being members of one of the four Inns of Court, appointed by such Inns respectively ; and that such body should be endowed by the Inns of Court with sufficient funds for the foundation of legal professorships."

In January last the Bench of the Inner Temple repeated their adherence to the views thus laid down. I come now to Lincoln's Inn. So far as relates to the formation of a legal University, the principle of the proposal which I am advocating was approved by Lincoln's Inn as long ago as April, 1863, when, upon the Motion of Sir Hugh Cairns (now Lord Cairns), the following resolution was agreed to:—

"Resolved—That in the opinion of this Bench the creation of a legal University, to which the various Inns of Court might be affiliated, and through which legal degrees might be conferred, and discipline exercised, would be desirable."

No action followed upon that resolution; and I regret to say, that, in one respect, that society appears to have since receded from the position which it then took up; having now adopted the resolutions lately passed by the Joint Committee of the four Inns of Court, which seems to contemplate that the constitution, as well as the powers, of these societies ought to undergo no change. In another direction, however, they have advanced; and, if the movement I am advocating should have no further result, the action lately taken by all the Inns of Court, with regard to the requirement henceforth of compulsory examinations before admission to the Bar, will at all events be sufficient to show that it has not been without good effect. In the resolutions arrived at by a majority of the Joint Committee of the four Inns of Court (and which may be taken to represent the views at present prevailing among the Benchers of the Inner Temple and Lincoln's Inn), they say—

"That it is not desirable that the education of students for the Bar, and the education of the articled clerks of solicitors and attorneys, should be under one joint system of management. That there should be a compulsory examination of students for the Bar before they are called to the Bar, or if they are allowed to practice under the Bar; and that the Inns of Court should establish such an examination; and that such examination be carried into effect under the direction and through the instrumentality of the Council of Legal Education; under amended regulations, the Council being increased in number and authority."

I cannot help feeling some satisfaction at the extent to which the resolutions of all the four Inns of Court agree with the proposals which I am now making to the House. They all appear to agree, or to have at one time or another agreed, that one united body with control over

the whole subject ought to be established; and, secondly, they all now come to the conclusion that everyone ought to pass a real *bond fide* examination before being admitted to practice at the Bar. Such an examination has existed for attorneys and solicitors since 1835; and now at last, in 1871, we have arrived at the point of having the necessity for such an examination in the case of the Bar universally conceded. But the benefit of that concession is clogged, in the case of two of the four societies, commanding a majority (though not a large one) in the Joint Committee, with the endeavour to keep the future school of legal education entirely under their own management, and to reserve it for the exclusive and separate use of students for the Bar. Now, I must ask the House to permit me, as briefly as I can, to give my reasons for being unable to agree with either of these views. I look upon these as questions of principle, and therefore I have embodied the principles for which I contend on both these points in the terms of my Motion, while not desiring to introduce any matters which may appropriately be called matters of detail. What pretence is there for the claim of the Inns of Court to retain this exclusive control and management, now that the country at large is moving in the matter, after they have so long failed in performing the duties for the sake of which, I take the liberty of saying, they originally existed? It appears to me that they have no just right to claim the exclusive control and management of the future system. No one feels greater respect—no one has more reason than I have to feel respect for the gentlemen at the head of those societies—gentlemen who adorn the profession to which they belong. But, after all, the societies themselves are but ropes of sand. They are bodies held together principally by dinners, by occasional councils, and by other formal and occasional acts. Their governing members are numerous, and many of them are very distinguished men; but those who are most distinguished can hardly, as a general rule, take the most active share in their government. For, in proportion as men are actively employed in the business of the profession, they have less leisure to take a regular or constant or effective part in the management of these societies. The consequence is, that

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they resemble clubs more than public bodies; and not even clubs of such a kind as to unite their members in any very close bonds of mutual association. If they have not, in times past, though possessed of large pecuniary resources, though actuated by the best intentions in the world, and though presided over by men of the most honourable character, shown themselves equal to dealing with this subject, I take it to be for the reasons I have mentioned, and because they have no corporate character, no legal organization, no acknowledged public trust or public responsibility. Now, therefore, that the interest of the public has been aroused, and that there is a general desire to see a powerful organization established upon larger and broader views, I cannot recognize the claims of these societies to keep the whole matter any longer in their hands. Whom do the Governing Bodies of the Inns of Court really represent? They do not even represent the Bar. They are self-elected. Almost every gentleman who is appointed a Queen's Counsel becomes, nearly as a matter of course, a Benchers of his own Inn of Court; and from the number of Queen's Counsel—in Lincoln's Inn particularly, however, much the Benchers themselves might desire it, there is no room for the admission of anyone else. Consequently, no stuff gowns, as they are called, have within my recollection been admitted to that body in Lincoln's Inn; the whole management is practically confided to those who can find leisure to undertake it among that body of gentlemen, who, either through success in business or otherwise by the favour of the Crown, have arrived at rank in their profession. The other Inns of Court—though some of them are enabled to form Benches of a less exclusive character—are constituted much in the same way. There is, at all events, no representation of the Bar, properly so called, in the government of any of those societies. But I do not stop there. I see another defect in the scheme which the Joint Committee have advocated. The objects at which they aim are too exclusively professional. They do not wish to see any scheme adopted by which person should be invited to study law in the same school, without reference to the question whether they want or not to become barristers, or attorneys, or

solicitors. This brings me to the last point of all. After all, the great objection urged against the scheme which I am now advocating is the alarming idea as to the results of students for the Bar being educated under the same system as those who are to become attorneys and solicitors. It seems to me not at all for the interests of the Bar or of the solicitors to draw needlessly or prematurely, before the time of admission to practice, the line existing between the two branches of the profession. The real truth is, that it is for the interest of the county that the attorneys and solicitors should have access to the best preparatory system of education you can give them, just as much as that such an opportunity should be afforded to those who are studying for the Bar. They comprehend among them men of high general attainments, and of the most honourable character. There is, and there has at all times been, a large number of barristers and Judges, whose fathers, fathers-in-law, brothers, sons, or other near relatives have been solicitors or attorneys. More than one Lord Chancellor, and others who have filled the highest places on the Bench with conspicuous integrity and consummate ability, both in ancient and in recent times, have begun life as attorneys or articled clerks. The truth is, that it is not in society, it is not in the world that this strict line is drawn, as if the one class were of purer blood than the other. They belong, and ought to belong, both of them, to the class of gentlemen; and they are both of them entitled to the most liberal education that you can give them. To do this you ought to construct your scheme of education upon the best possible system, and bring together those students who are to supply both branches of the profession—so far, at all events, as their means and opportunities enable them and dispose them to take advantage of it; and you should make your examinations equally available to all. I cannot, for my own part, conceive what danger can be expected to arise from future barristers and future solicitors sitting in the same room and listening to the same lectures. In determining the particular examinations which may be required as necessary qualifications for admission to each branch of the profession, you will, of course, keep in view the nature of their respective duties; but this is quite

consistent with offering to all of them indiscriminately all the instruction you can. I have endeavoured to picture to myself the supposed influence which some aspiring future barrister may acquire with some aspiring future attorney, when sitting in the same class room, with a view to obtaining business in after life. But as that can be done now, where the inclination exists, I cannot see that the system I have sketched out is at all likely to injuriously affect the relations which should subsist between the two branches of the profession. And even if the result which is apprehended were to happen, I am by no means certain that it might not be a benefit rather than an evil. One great drawback upon beginners at the Bar at present is, that ability is very seldom a passport, in the first instance, to connection or business. Now, it is just possible that an eminent, able, and distinguished student might become known by reputation to his fellow-students through his merit alone, as is the case now at the Universities; and if you had young men sitting together, some of whom were afterwards to become barristers, and some solicitors, a reputation for learning and aptitude might perhaps procure for the young barrister, more easily than it does at present, some chance of obtaining a first start in business. I am not, I confess, very confident on that point; but I believe this would be much more likely to happen than that the association of fellow-students, not living together, but meeting in classes and examinations in early youth, should induce a forgetfulness of the proper relations which ought to exist between the two branches of the profession. I should be the very last person in the world who would recommend anything that would tend to destroy distinctions, the value of which I highly appreciate. But the practical view is this—if these distinctions are useful, they are not less likely to be so when you make each branch of practitioners as well-informed as you can. If they are useful, they will certainly be none the less useful from your giving the most liberal education to all who are going to follow either branch of the legal profession. I must thank the House for the patience with which they have listened to my statement; and before I sit down I must ask to be permitted to say a few words about the Resolutions which I have to propose. I

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have intentionally introduced into the first Resolution, in relation to the school of law which I propose that we should establish, the words, “in the government of which the different branches of the legal profession in England may be suitably represented;” not at all as desiring now to decide upon the precise means by which that representation should be accomplished, but because it is part of the principle of the scheme to my mind, if it is to be a large, advantageous, popular, and generally acceptable scheme, that it should be carried out in no narrow, invidious, or sectarian spirit. And with regard to the rest of that Resolution, I propose that there should be suitable examinations, qualifying the students to be admitted to practise as barristers or attorneys. Of course, all that is contemplated by these Resolutions could not be done by the sole authority of the Crown; and if the House adopt these Resolutions, and Her Majesty return a favourable Answer, it will be necessary that a Bill should be brought in; which I am, for my own part, perfectly prepared to do. In conclusion, I may mention, that a Motion for an Address to the Crown, in favour of the incorporation of the University of London, which may be regarded as a precedent for my second Resolution, was proposed and carried in this House in 1835; and I cannot but look upon the great success which has attended that institution as a happy augury for the results which may be expected to follow from the present Motion, if adopted by the House. I beg, Sir, to move the Resolutions of which I have given Notice.

Mr. OSBORNE MORGAN seconded the Motion.

Motion made, and Question proposed,

“That, in the opinion of this House, it is desirable that a General School of Law should be established in the Metropolis, in the government of which the different branches of the legal profession in England may be suitably represented; and that, after the establishment thereof, no person should be admitted to practise in any branch of the legal profession, either at or below the Bar, or as an attorney or solicitor in England, without a certificate of proficiency in the study of Law, granted after proper examinations by such General School of Law.”—(*Sir Roundell Palmer*.)

Mr. JESSEL moved that the debate be now adjourned.

Debate adjourned till To-morrow.

ROYAL PARKS AND GARDENS BILL.

Select Committee on the Royal Parks and Gardens Bill *nominated*:—Mr. AYRTON, Colonel GRAY, Mr. STONE, Lord GEORGE HAMILTON, Mr. M^r ARTHUR, Major WALKER, Mr. HARVEY LEWIS, Mr. BERRSFORD HOPE, Sir CHARLES DILKE, Mr. COBITT, Mr. DENT, Mr. JAMES LOWTHER, Mr. CHARLES REED, Mr. MITFORD, and Mr. MILLER:—Five to be the quorum.

TREASURERS OF RATES BILL.

(*Mr. Donald Dalrymple, Sir W. Bagge, Mr. Dodds.*)

[BILL 120.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, 12th July, 1871.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Poor Rate Assessment and Collection Act (1869) Amendment * [241]; Irish Church Act (1869) Amendment * [244]; Maynooth College * [243].

First Reading—Tramways (Ireland) * [245].

Second Reading—Elementary Education Act (1870) Amendment [67], *put off*; Local and Personal Acts (Ireland) [26], *debate adjourned*; Hosiery Manufacture (Wages) * [196], *debate adjourned*; Consolidated Fund (£10,000,000) *; Exchequer Bonds (£700,000) *.

Committee—Report—Industrial and Provident Societies Amendment * [188-240].

Report—Municipal Corporations (Borough, &c. Funds) * [203-242].

Withdrawn—Habitual Drunkards [38]; Customs and Inland Revenue Act (1870) Extension (Ireland) * [33]; Game Birds (Ireland) * [184].

HABITUAL DRUNKARDS BILL—[BILL 38.]

(*Mr. Donald Dalrymple, Mr. Gordon, Mr. Pease, Mr. Downing.*)

SECOND READING.

Order for Second Reading read.

MR. D. DALRYMPLE, in rising to move that the Bill be now read a second time, said, the questions embodied in the measure before them were, whether the importance of the subject and the interest taken in it had diminished; whether drunkenness was a crime or a di-

sease, or both; and whether drunkards were to be cured or punished? Those were the questions which he intended to ask and answer. With regard to the first, the unvaried support which the Bill had received, both inside and outside of that House, as evidenced by the numerous signatures to the several Petitions he at that time held in his hand, and the increasing support of hon. Members, showed that the public were still keenly alive to the importance of the question; and he would further call the attention of the House with regard to the second to a series of Returns obtained at private expense from 259 chief constables and superintendents of police throughout Great Britain, which, though necessarily incomplete and not including the Metropolis—Colonel Henderson having declined to furnish that information—showed that in the year ending September, 1870, there had been 106,982 convictions for drunkenness, and 233,935 criminal convictions of all kinds, of which 27,450 were for offences due to drunkenness, so that there were 134,432 convictions during the year due to drunkenness in some form or other. He had no Return from Ireland; but feared that, from the eager nature of the support accorded to the Bill by the hon. Member for the City of Cork (Mr. Maguire) and the hon. Member for Cork County (Mr. Downing), despite the labours of Father Mathew, drunkenness was not unknown there. Of the 259 chief constables and superintendents, 150 approved the measure, and not one expressed disapprobation. A Memorial, presented a few days ago to the right hon. Gentleman the Secretary of State for the Home Department, and signed by Peers, Bishops, magistrates, clergymen, a number of influential members of the profession to which he (Mr. Dalrymple) belonged, and representatives of the licensed victuallers of England also expressed decided approval of the Bill; and the teetotallers of the United Kingdom gave it, to a certain extent, their support. He would not trouble the House with any of the hundreds upon hundreds of letters he had received filled with harrowing details, as bearing upon the third and last of the questions he had put forth; but he must contend that drunkards must be dealt with either for their own sake or for the sake of the community, and they must be so dealt with either in gaol or in some

such institution as he proposed. Now, for years and years drunkenness had been treated as a crime. That plan had filled their gaols and workhouses and asylums, and was increasing their rates; but it had failed. The hon. Member for Oldham (Mr. Hibbert) had recently told the Justices of Salford of a man who had been punished for drunkenness 140 different times; and there were many other instances where men and women had passed almost a life in gaol from this cause. Was such a system worth perpetuating? Another plan had been tried with better success; and that plan he had tried to embody in the Bill. The persons with whom it proposed to deal—not the occasional drunkards—were those who either by hereditary taint—a far more frequent cause of drunkenness than non-professional persons supposed—or from the exhaustion of nervous energy—one of the most frequent concomitants of high civilization—or by the force of evil example, had recourse for delusive relief to the use of alcohol to such an extent that the mastery over reason and morality was complete. Such persons had passed into a state of disorder in which both the brain and stomach were affected by the excessive use of alcohol. To restore these persons to health they must remove the alluring but deceptive agent, and place them under influences which were moral, mental, medicinal, and hygienic. It was of no use to rail at liquor as “the devil’s device.” Used in moderation, liquor, *per se*, was no more harmful than any other combination of elements which they were in the habit of using. It was the abuse of liquor, particularly in secret, with which it was necessary to deal; and in so dealing with it there was no *via media*, at least until the education recently provided had taught future generations that drinking was at once a vice and a mistake. No warning or instruction, no sight of the distress he caused to all around him, would teach the habitual drunkard. He must be restrained, and the question was how to restrain him. The Bill adopted the machinery of the lunacy laws, which he would have avoided if he could; but thought it a lesser evil to avail himself of this machinery than to create new machinery. Moreover, his contention was that an habitual drunkard was *ipso facto non compos mentis*. He was told that the Commissioners in Lunacy ob-

jected to the Bill, and he was not surprised, because the genus Commissioner, like everybody else, did not like increased work without increased pay; but he thought that the work imposed on them by the Bill would be comparatively small, unless, indeed, the Bill succeeded beyond his expectations, and then its success would be its own justification. As a fact, he was convinced that one Commissioner, working 25 days in the year, would be able to do all the extra work incurred under the measure. There were three ways in which the Bill would deal with habitual drunkards; first, by placing them in a reformatory through their own voluntary action—a process which existed at present, but had failed, or been attended only with partial success, owing to the inability to keep persons under restraint longer than they pleased to remain; secondly, by the action of relatives, Clauses 6 to 11, affording complete protection against an improper application of that part of the measure; thirdly, by magisterial action in committing to reformatories persons who had been convicted three times within six months, either of drunkenness or of offences connected with drunkenness. The Bill applied to England and Wales, Scotland and Ireland, and to men and women alike. There were two categories of objections. The first included the infringement of personal liberty, liability to abuse from sordid and interested motives, difficulty of defining, and the costliness of the process. As regarded the infringement of personal liberty, they were told that men had an inalienable right to drink as much as they pleased; but he maintained that when alcohol was abused to such an extent as to render men dangerous to themselves and others, and to bring poverty and misery on themselves and their families, and make them burdens on society, personal liberty must succumb to the public interest. That principle had already been carried out with regard to sanitary arrangements. Then it was said that the power given to relatives would, for interested and sordid motives, be abused. He did not deny that persons had been unjustly detained as lunatics, though such cases were far less frequent than they were supposed to be; but the Bill provided against such an abuse of it, and he hoped effectually. He conceived that a man proved

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to be in the habit of endangering his own life and the lives of others, and ruining his family from his indulgence in drink, might fairly come under the operation of the Bill. There was no chance of an undue infringement of personal liberty, because, to bring about such a result, there must be a combination of unscrupulous relatives, reformatory proprietors ready to incur the penalties imposed by the Act of 8 & 9 *Vict.* The provisions of which in a degree were incorporated in the Bill, two corrupt medical men to sign certificates, blind magistrates, hoodwinked inspectors, and patients who could not talk and give any explanation of their own condition. Under one of the provisions of the Bill no person admitted to a reformatory on his own application, or on the application of his friends, should be detained for less than three months, or more than 12 months, but power would be given to proper authorities to extend or shorten the period of detention. He was told there was immense difficulty in defining an habitual drunkard; but he maintained, on the contrary, that the definition was sharp and distinct. In Part I. of this Bill, the habitual drunkard was declared to be—

"One who by reason of frequent, excessive, or constant use of intoxicating liquors is incapable of self-control, dangerous to himself or others, or incapable of proper attention and care for himself and his family."

If a drinker did not come up—or rather down—to that mark, he would not come under the operation of the Bill. The right hon. Gentleman the Secretary of State for the Home Department told him a few days since that if the Bill had been in operation a generation or two ago a most distinguished statesman and a most eminent poet might both have been shut up as habitual drunkards. He did not think the right hon. Gentleman had sufficiently attended to the words in his definition "incapable of self-control," and "proper attention and care for himself and his family." The persons to whom he alluded did not fall under that description, otherwise their names would not have been handed down to posterity. Again, the right hon. Gentleman said that the seducer and the gambler were pests of society, and that as it was almost impossible to control them, they ought, according to the prin-

ciple of that Bill, to be shut up. Two, or even three, blacks did not make a white; and though it might be very desirable that the seducer should be rendered chaste, and the gambler careful, that was no reason why a much more numerous and dangerous class of persons should be left to themselves. He had been told that in some parts of England, and especially in the North, hundreds of men were always drunk on Saturday and Sunday, sobered themselves on Monday, and were sober and worked well all the rest of the week; and some men went to bed drunk every night, and yet managed their affairs with discretion. Such cases did not come within the scope of the Bill; but he might add that those persons generally got worse and worse, until at last they became fit subjects for confinement. With regard to the objection raised against the Bill on account of the cost it would entail, he might put against that expenditure the present cost of criminals, and show that the measure, in preventing crime, would result in economy to ratepayers, and it was to be observed that in certain reformatories for the inebriated, established in the United States, 40 or 60 per cent were cured. Under these circumstances, he proposed that power should be given to magistrates and Boards of Guardians to establish and maintain reformatories under the Bill, and there was no need to fear that those functionaries would rush recklessly and unnecessarily into expense. In his opinion, the first effect of the Bill would be to cause these reformatories to be established for the upper and middle classes. Their working would then be watched, and if they proved successful, their success would justify magistrates and Guardians in providing similar institutions for the poorer classes. In the second category of objections, the first objection was that the evil was of too great magnitude to be dealt with. Admitting the great extent of the evil, he saw no reason why the struggling drunkard should not be assisted to reform, or light be thrown in on the darkness around him. He was told that relapses would be frequent. He admitted that the disorder was not exempt from the general law of relapse; but the reformation of the first batch of drunkards would be the most costly and difficult. If they had 75 per

cent of failures at first, they would only have 50 per cent next, and there would afterwards be fewer failures till they came down to the residuum beyond which they could not hope to go. What was to be done with that residuum would be a problem for the future. As he had observed before, from Returns published with respect to these reformatories in America, it appeared that the annual cures amounted to from 40 to 60 per cent. He might be told that the House could not place any reliance upon these cures. Well, but the managers of the reformatories had not been content to consider a man cured because he left sober, promising well for the future. They had taken the trouble to follow him into his inner and future life, and had seen him restored to credit and to occupation, to home and happiness, to self-control and self-respect. That was what he called a cure. It had been objected to these institutions that the use of liquors was not unknown in them. That was entirely a question of treatment. The most eminent managers of these establishments, and those who had taken the treatment of drunkenness under their special care, were in favour of the total abolition of the use of liquors, while there were others who preferred to adopt the more gradual method of "tapering off." He had refrained from garnishing his statement with the appalling facts respecting habitual drunkards which lay in heaps around him. It was to the judgment of the House, and not to its sentiment that he desired to appeal; and, in conclusion, he begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read the second time."—(*Mr. Donald Dalrymple.*)

MR. SALT said, he was sure that the Bill of the hon. Member for Bath (*Mr. Dalrymple*) must command the sympathy of the House; but at the same time it was one which it would be extremely difficult to put into operation. It was to him (*Mr. Salt*) a matter passing his comprehension that so many skilled workmen, earning great wages, with comfortable homes, nice wives, and good families, should ruin their health and position by the extraordinary habit of Saturday night and Sunday drunkenness. But then came the question, whether the

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Bill would deal with the evil which it proposed to remedy? What he failed to understand in the Bill was to what extent the hon. Member proposed to push its provisions. At what point did he seize the habitual drunkard where he was not already provided for? If a man were taken before a magistrate in a state of hopeless imbecility, the law already provided for him, for in a large lunatic asylum which he had visited, belonging to his own county, he could point out many cases of persons who were taken care of because they had become incapable through drunkenness of taking care of themselves; and he also knew that some persons in a good rank of society, who had not been quite brought down to a state of imbecility by habitual drunkenness, were at their own request temporarily confined in a lunatic asylum. He doubted whether it would be possible to empower a magistrate to send a drunkard, not reduced to a state of imbecility, to a lunatic asylum, and it should be borne in mind that by sending a man to a lunatic asylum instead of to a gaol, a sort of imputation would attach to the character and health of his whole family. He did not suggest that difficulty with any view to oppose the benevolent object of the measure under consideration, but because he thought that if they attempted to apply an impracticable remedy to the evil which they all desired to cure, they would do more harm than good.

MR. AKROYD said, he must remark that if he wanted to make out a case for that Bill, he need only refer to the observations of the hon. Gentleman who had last spoken (*Mr. Salt*), and who had stated that habitual drunkenness had tended to swell the number of inmates in the lunatic asylum of his county. He could not help suspecting that the right hon. Gentleman the Secretary of State for the Home Department, when he introduced his amended Licensing Bill, was under the apprehension that his measure would obviate legislation such as that now proposed. [*Mr. BRUCE: No.*] Whatever legislation might do on this side, that had not been the case on the other side of the Atlantic, where the prohibitory liquor laws had been fairly tested, and where yet these reformatories existed. From the statistics received from the United States, out of 3,000 inebriates who were confined in

Washington House Reformatory, in Boston, 2,000 were discharged apparently cured. In this country we have already passed an Act of Parliament for dealing with habitual criminals—the Habitual Criminals Act, 1869. Under this Act a person twice convicted of felony is subject to supervision of police for a period not exceeding seven years. These arbitrary powers are intended to be reformatory in their character, and to prevent criminals from acquiring the habit of crime. Unfortunately the Act does not touch the habitual sot—the greatest of criminals against himself, and against the peace and happiness of his family. A great number of statistics might be quoted in reference to drunkenness, but he thought it was scarcely necessary to do so, for there could hardly be an hon. Member who, within the range of his own experience, had not known some wretched cases of habitual drunkenness, and who had sought to relieve the family from its consequences. He had in his hand a statement of the medical attendant of the lunatic asylum at York, who pointed out the necessity of some such legislation as that now under consideration. That Report was not originally intended for the public, being a Report to the Commissioners of the asylum. At Leeds, in 1870, the total number of convictions for drunkenness was 1,799, and of those 234 were second convictions, 130 were third convictions, and 301 were fourth convictions. In the same town the total convictions during the same period for crime of all sorts were 5,079; but no fewer than 2,261 of the persons so convicted were drunk at the time when they were taken into custody, and one woman was convicted 77 times for drunkenness during the last two years. One could hardly speak to a medical man who did not advocate some such measure as the present. The number of habitual drunkards who were ruining themselves and their families was on the increase, and by sanctioning this measure the House would do something towards lessening the obligation that he conceived lay upon it, of checking the downward course of those unfortunate persons. The hon. Promoter of the Bill could not expect to carry it much further in the present Session, but he (Mr. Akroyd) trusted that it would be re-introduced for consideration next year.

SIR WILFRID LAWSON said, he was of opinion that the provisions of the Bill would require careful consideration, and that some of them were hardly likely to pass at all. Upon the second reading, however, they had only to speak on the principle of the measure, and he was glad of the opportunity of calling attention to the position in which they stood with regard to legislation for drunkards. Six different Bills on the subject had been brought in, and every one was based on the principle that it was impossible to check the evil of drunkenness, without removing the facilities for getting drunk; and now came the Bill of the hon. Member for Bath (Mr. Dalrymple), which did not attack the causes of drunkenness, but sought to mitigate the evils arising from it. The hon. Member for Bath most distinctly admitted that punishment and teetotal lecturing had failed to cure drunkenness. He concurred in that statement, and believed that lecturing would always fail to prevent drunkenness so long as there were in the country 150,000 persons who got their living by supplying liquor, and whose interest it was to induce people to drink. There would be considerable difficulty in working some of the clauses of the Bill, as for instance, in ascertaining who was a drunkard coming within the scope of the Bill; but he would leave it to his right hon. Friend the Secretary of State for the Home Department to pick what holes he could in it. Of course, his hon. Friend the Member for Bath would find it impossible to pass the Bill this Session, and he would therefore have ample time to improve its machinery. He was friendly to any measure which was at all feasible for lessening the evils of drunkenness, and that was a permissive Bill. It did not enact anything, but only gave power to magistrates, if they chose, to levy rates for the purposes of the Bill. He much preferred, however, his own measure, which gave the ratepayers power to remove the manufactories of drunkenness. There was an absolute necessity for some stringent measure on this subject, for Parliament had been trying to manage habitual drunkards for centuries, their gaols, their workhouses, their asylums were simply monuments of the energy of the publicans of this country, their object mainly being to provide for the drunkards who were made by the

people who sold drink. He hoped the sympathy which the Bill had excited would prove to the right hon. Gentleman the Secretary of State for the Home Department that the evil was not to be met by mere suspensory Acts; and, if he declined to do what was requisite himself, he should not stand in the way of others who were endeavouring to remove one of the greatest evils which afflicted this country.

Mr. HENLEY said, he hoped the House would be careful not to be led away, under a feeling of the evils of drunkenness, to interfere so far with the liberty of the subject as that Bill proposed they should do. What were they asked to do by that Bill? On a certain state of facts constituting a bad habit, and solely on the opinion of two medical gentlemen, a person was to be locked up for six months. That was a very strong measure. There were many other bad habits which all of them, perhaps, more or less, might have fallen into, and to which he conceived in strict justice the principle of the Bill ought to apply, some of which led to aberration of mind not less than drunkenness; gambling, for instance, whether on the Stock Exchange, on the race-course, or in the course of trade, which tended quite as much as drunkenness to the ruin of families. And if they commenced this species of legislation, where were they to stop? A man might take one glass of wine or beer a-day, and if in the opinion of two medical men that habit had rendered him incapable of giving proper attention to his family, what was to be done? Some friend might ask the magistrate to shut him up, and, even without the man being brought before the magistrate or saying a single word in his defence, on the testimony of one other person he was to be locked up for six months. They knew, also, that medical men were in the habit of prescribing enormous quantities of stimulants, and that might have something to do with patients continuing the habit after recovery. Whether from a change in the Gulf Stream, or from some other cause, he did not pretend to say; but they seemed to imagine that it was impossible to get through life without drink. If a man's mind had become unsound through intemperance or otherwise, or if he committed a breach of the peace, there were plenty of modes of

dealing with him either in a lunatic asylum or gaol. But they must draw the line somewhere. It might be extremely difficult, if not impossible, to trace the cause of a person's unsoundness of mind; but unsoundness of mind alone was the ground on which personal liberty should be interfered with. If a man committed a breach of the peace he ought to be punished in gaol, instead of treating him in some more convenient and comfortable place provided for him by the ratepayers in order to cure him of his bad habits. If such a Bill as this had been proposed 60 years ago, it would have been necessary to turn the whole kingdom into one lock-up, of which the doctors should have had the key. If they once began to legislate in this direction, it would be very difficult to know where they could stop. He should oppose the Bill.

Mr. MAGUIRE said, the right hon. Gentleman (Mr. Henley), who had just sat down, had imitated the example of the hon. Member for Stafford (Mr. Salt), by replying to his own arguments, and removing his own objections. For instance, he had at that moment asserted that there existed a very general practice amongst medical men to prescribe stimulants very freely to their patients; and yet, in the opening of his speech, he affected great alarm at the probability of a medical man giving a certificate which would shut up in an asylum a person who took a single glass of wine in the day, on the plea that it incapacitated that person from minding his or her affairs. It was rather hard to understand how danger to the liberty of the subject—especially to moderate drinkers—could arise from those who were stated to be so partial to the liberal use of stimulants. But was there any real danger to the liberty of the subject in the main proposal of that Bill? What was the object of the Bill? To endeavour to prevent the infatuated victims of a deplorable vice from rushing headlong to destruction, and bringing misery and ruin upon them. The object was to prevent the desperate drunkard from deliberate suicide—from dragging down his wife and children to poverty and despair. To talk of the liberty of the subject in such a case was a mockery of a great principle. Now, they in this country affected a profound reverence for what they termed the

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liberty of the subject; but, assuming that their respect for that principle was really sincere and honest, would they allow him to ask—was this the only country in which that principle was revered? Was there less respect for personal liberty in the United States of America than there was in this country? He could easily imagine that they thought themselves superior in that respect to all other nations; but if they reflected for a moment, they would see that in a country like America, with a government springing directly from the people, the laws were at least as jealous of personal liberty as in any country of which they knew anything. And yet, what was the fact with respect to America? Why, that similar institutions to those which that Bill sought to establish existed in different parts of the United States. Not only did they exist in America, but they did so with the sanction and approval of the public, not because they interfered with legitimate personal freedom, but that they interfered with the power of a rash and a reckless man or woman to bring ruin upon themselves and others. His hon. Friend the Member for Carlisle (Sir Wilfrid Lawson), who had given to that Bill rather a grudging support, preferred, as he said, locking up the drink to locking up the drunkard. "You," he said, "propose to lock up the man; I propose to lock up the drink from him." But did his hon. Friend really mean to say that if his favourite measure were passed into law he would thus put an end to the evil against which that Bill was directed? Assume for a moment that they had a Maine Liquor Law in this country, would that put an end to drinking, and above all to what was known as secret drinking? His own opinion was this—that open drinking, with all its evils, was safer to the country, safer to society, than that legalized hypocrisy which affected to shut up the drink, but which opened a hundred sources of secret drinking. Pass what law they might—even one so seriously interfering with the liberty of the subject as one based on the Maine Liquor model—and did they hope thereby to put an end to drunkenness, and prevent individuals from deliberately persisting in a course which led to inevitable ruin of health, position, character, and family? Those who were so infatuated, who were bent on self-

destruction, would find the means of self-indulgence, even though every public-house in the district were closed by law. Did he want a proof of this, he had it in the fact, that in those very States of America in which the Maine Liquor system was attempted to be put in force, asylums such as that Bill contemplated had been and were in beneficial operation, proving that where there was a determination to have the drink, it could be had—that, in fact, his hon. Friend the Member for Carlisle could not practically shut up the drink from the drunkard. The real question was this—was that Bill necessary—was it called for? He would put it to hon. Members, was there any one hon. Gentleman in that House who, in his own district, in his own locality, nay, in his own circle, did not know—not a poor besotted mechanic who drank two days in the week, not a wretched labourer who sought in periodical debauch a desperate relief from the misery of his position; but some confirmed drunkard in the better class of society, whom nothing could restrain, whom no influence, no advice, no entreaty of friends or relatives could save from destruction? As a rule, every hon. Member of that House was a magistrate, and had administered the law with respect to drunkenness; was there one of them who had not, at one time or other, seen the necessity for some means of reformation other than that which the existing law provided? He himself had been mayor of his own city for a period of four years, and he had acted as a magistrate for several years more, and during that time that very question had pressed itself over and over again upon his attention. Day after day, week after week, month after month, the same persons were brought up for habitual drunkenness. The offender was fined, or possibly imprisoned for 24 or 48 hours; but there was no power to shut him up for a sufficient time to bring him or her to a state of health of body and mind. Nor were these persons always of the humbler classes. He knew many deplorable instances of that awful vice, amounting to practical suicide, in families possessing every comfort and every luxury which wealth could provide. Indeed, during the time that House had been sitting that year, he had heard of a melancholy case—that of a woman of good position who could not be pre-

vented from accomplishing her own destruction by that terrible habit—whom no influence could save—who had again and again made promises of reformation, only to break them—who, a few moments before she died, frantically shrieked out for “one other glass of whiskey for the sake of Jesus!” Now, that woman was not a lunatic in the sense that would entitle her friends to place her in a lunatic asylum, and it would be hard to find a medical man who would give a certificate which would justify her confinement in such an institution; but were the Bill now before that House the law of the land, she could have been saved from ruin and restored to her friends and family in health and happiness. Now, there was really no violation of principle, and no innovation, in the main proposal of this Bill. Hon. Members said it was an interference with personal liberty. Granted. But did not the existing law do that? They had, however, to punish the drunkard by fine or by imprisonment—imprisonment for 24 or 48 hours. So far, that was a violation of personal liberty; but it was for the protection of society as well as for the reformation of the offender. But was he reformed by that fine or by that imprisonment? Not a bit; he soon became used to the one and callous to the other. The imprisonment, such as it was, gave no sufficient time for reformation; no sufficient time for reflection; no sufficient time for the operation of better influences. What was required for real reformation was such a seclusion from the world and its temptations as might restore health to the body and strength to the shattered nervous system of the habitual drunkard; and they all knew how much the mind depended for its healthy tone upon the state of the body, and that generally with health of the body came health and strength of mind. They required to get at the confirmed drunkard when he was sober, when he was penitent, when he could reflect and look into himself—when counsel could reach his ear, and when sympathy could touch his heart; and so long as he had the means of gratifying his passion, they could have no real access to his reason or his conscience. Hon. Gentlemen seemed to think alone of that so-called liberty of the subject, although, taken in a practical sense, it meant liberty of self-destruction, liberty of per-

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petrating moral, social, and physical suicide—liberty of inflicting upon others, and those the nearest who ought to be the dearest, the direst calamity—inflicting upon them the worst that the worst enemy could inflict upon them. But was there to be no consideration for the wives and families of those confirmed drunkards. Were they not entitled to the protection of the law? In France, if a man had entered upon the path of ruin, and was deliberately rushing to his fate, a council of his family was held, and his property was taken out of his charge, so as to save it from destruction, and for the benefit of himself or those who belonged to him. Now, was not that a most legitimate interference with the liberty of the individual, or his power of inflicting misery on himself and others? And that was the ruling principle of the present Bill—to save the besotted victim of a deadly vice from bringing ruin on himself and on his family. The right hon. Gentleman opposite (Mr. Henley) had spoken of the improved state of society, and said that 50 or 60 years ago such a proposal would have been more reasonable than it was at present. No doubt the tone of modern society had improved in many respects; their manners and habits were more refined, their tastes were improved, their enjoyments were more elevated. The host of to-day did not glory in putting all his guests under his table; nor did the individual boast, as in olden times, of his capacity for “tucking” so many bottles of claret or tumblers of punch “under his belt.” Still there were, in these, as in former times, individuals of both sexes who would not practice moderation, who would drink recklessly, madly, desperately—who would peril body and soul to gratify a morbid appetite; and these were the people, and none others, to whom that Bill applied. Whatever might be the fate of that proposal in the present Session, his hon. Friend the Member for Bath deserved great credit for bringing it before that House and the country. He had brought it forward in an able, wise, and temperate spirit; and he might well congratulate himself upon being the pioneer in a great work of morality and reformation. What they had to deal with now was the principle, the main object of the Bill; the details might be fairly left

to the further consideration of the House. The main object of that measure was to afford an opportunity of reflection, and repentance, and reformation, to those who, without such opportunity, would persevere in their headlong course, bringing themselves to ruin here, if not to ruin hereafter, and dragging down others, and those others sinless and unoffending, to misery, poverty, and sorrow. He ventured to say that if the people of England, Ireland, and Scotland were polled in reference to this proposal, their voice would be almost unanimous in favour of that Bill—that was, its main provision and principle. To hon. Gentlemen who were so solicitous for the liberty of the subject as to regard that Bill with disfavour, he said—by all means and by every possible precaution guard the liberty of the subject, and protect it from all undue encroachment; but do not refuse to the weak and infatuated victim of folly the chance of reformation, but, above all, do not refuse protection to those who are at the mercy of one of the most dangerous enemies to society, the habitual drunkard.

COLONEL BARTELOT said, he entirely agreed with his right hon. Friend the Member for Oxfordshire (Mr. Henley). They were not to be led away by feeling, and must take the common-sense view of that matter. The question was, whether such a Bill could fairly and honestly work in the interests of the country? He had seen a great deal of drunkenness, and was most anxious to put a stop to it; but his belief was that drunkenness was decidedly on the decrease, and that was nowhere more apparent than in the ranks of the Army. The hon. Mover (Mr. Dalrymple) deserved every credit for his intentions, which, no doubt, were most sincere; but he thought means must be adopted to give effect to them very different from those provided by that Bill. He therefore ventured to hope that the right hon. Gentleman the Secretary of State for the Home Department would speak in no uncertain tone, but say decidedly that he opposed it. At any rate, he felt it his duty to move that it be read a second time that day three months. He thought the measure a most dangerous one to put in any man's hands. Nothing was more likely than that the measure would be put in force in some of those unfor-

tunate and miserable squabbles which often arose in families, where the wife said the husband had squandered her property and totally neglected his family, and he would be locked up as a lunatic in one of the asylums provided by this Bill. It would, moreover, chiefly affect the humbler class; for means would be found for preventing people of the upper class from being locked up. The measure was a very crude one, and it was too late in the Session to attempt to amend it in Committee.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Colonel Barttelot.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. T. E. SMITH said, the measure would impose a heavy expense upon the ratepayers, without producing any commensurate advantage. While in New York last year he had inspected the large institution for the reformation of habitual drunkards, which had been established there partly at the expense of a number of philanthropic persons and partly by State contribution, and he learned from its manager that the practical results had been most disappointing in every way. Not less than 80 per cent of those who had been discharged were returned for a second imprisonment. These institutions only existed where the prohibitory liquor law was practically inoperative. Having signally failed in every attempt to reduce the amount of temptation to which the people were exposed at every step by the multiplicity of publichouses, it was inopportune now to take up a new scheme which only proposed to deal with habitual and hopeless drunkards, and the success of which, in the only case where it had been employed, had produced such limited results.

SIR JAMES ELPHINSTONE said, he would support the second reading, but he certainly should not do so if he thought there was any chance of passing the Bill during the present Session. He hoped the hon. Mover (Mr. Dalrymple) would bring forward the measure in a less inchoate state next Session, and that it would then be referred to a Select Committee, in order that some good might be effected in removing some of

the many objections with which it might be said the measure bristled.

MR. M'LAREN said, two errors had been made by the opponents of that Bill; one set of hon. Gentlemen seemed to think that it was a measure for the repression of drunkenness, while others thought that it was a Bill of Pains and Penalties for the punishment of drunkenness. Now, neither of these suppositions was correct. The Bill was neither for the one object nor the other. The Bill was simply to place under restraint habitual drunkards. Everyone knew that there was a class of people, composed of women as well as men, who were utterly unable to restrain themselves and avoid the snares of drunkenness. Many of these habitual drunkards knew that they could not restrain themselves, and would be glad of some such Bill as that, and, so far from its being a reflection upon families, it was just the thing the families of habitual drunkards were in favour of. It had been said that the present law was quite sufficient to cause the incarceration of any drunkard who got into a state of imbecility. But the object of that Bill was to prevent these people from ever getting into utter imbecility. No doubt the law of lunacy would meet the case of imbeciles, but that Bill was to prevent people from becoming imbeciles. Under the existing law no medical man could grant a certificate for the confinement of a drunkard unless that drunkard was insane. He had the honour to represent a city which was prominently one of medical men. Both he and his hon. Colleague had presented Petitions to the House, signed by nearly every medical man in Edinburgh, in favour of that Bill. These gentlemen had every means of knowing the distress and ruin which followed to the families of habitual drunkards, and they were therefore in favour of some law by means of which these people could be placed under restraint for a certain period, in order to cure them and make them useful members of society. In Scotland, persons of that description were sent to a small island in Lochlomond, and there kept under restraint. There was no legal warrant for sending them there, but the most beneficial results had been proved to result from what had been done in that description. If they could legalize something of that kind, he was quite

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convinced the most beneficial results would follow. He lately attended a meeting of an institution supported voluntarily for this purpose, and it was stated by the manager that very great good had been done, though they had not the power to keep persons any longer than they desired to remain. If they had the power to detain them until they were perfectly cured, no doubt additional benefits would be the result. Some hon. Gentlemen had alleged that that Bill, if passed, would be found unworkable. That criticism he did not believe to be just. The 1st clause of the Bill said—

"That any person who, by reason of frequent excessive or constant use of intoxicating liquors, is incapable of self control, or dangerous to himself or others, or incapable of proper attention to and care of his affairs and family, shall be deemed an habitual drunkard and of unsound mind."

Now, if the last word, "or," was made into the word "and," half the criticisms which had been passed as to the measure being unworkable would vanish. The 6th clause of the Bill said—

"Upon the request of a near relation, friend, or guardian, any person affected in the manner set forth in the 1st section of this Act may be admitted into any such reformatory, sanitarium, or refuge, upon the production of certificates signed by two duly qualified medical practitioners, and countersigned by a magistrate, and in Scotland by a sheriff or sheriff-substitute acting in the district in which the party lives, and upon the affidavit or sworn declaration of some credible witness other than the applicant, stating that the party is an habitual drunkard, and either dangerous or incapable, as before described."

The alteration which he would suggest in this clause was that they should dispense with the certificate, and cause the matter to be substantiated by witnesses in open Court. He believed that the Bill, with these slight alterations, would be found to work; and, as he cordially approved of its principle, he should support the second reading.

SIR HENRY SELWIN-IBBETSON said, he should oppose the Bill with a certain amount of regret, because the way in which it was proposed to deal with the class affected was not practical, and was not likely to lead to the desired results. He would not have opposed it had it been based on the principle of dealing with the drunkard as a criminal, which must be done in a licensing or some other Bill; for habitual drunkards rendered themselves liable to be placed under restraint on public

grounds. That Bill, however, did not deal with those who were brought as offenders before a public Court, but with those who were anxious to be taken care of, or whose friends wished them to be controlled. It would be no great improvement of the 6th clause to require two affidavits, for the principle on which the clause was founded was antagonistic to public feeling. He hoped hon. Members would not act on the view of public duty propounded by the hon. and gallant Baronet the Member for Portsmouth, and approve the Bill merely because they accepted the principle, while they objected to the way in which it was applied. This was not a practicable measure, and therefore he could not, because he endorsed the principle, assent to the second reading.

MR. BRUCE said, that when the hon. Member for Bath (Mr. Dalrymple) brought the matter forward two years ago, he (Mr. Bruce) suggested the difficulties by which it was surrounded, and recommended the hon. Member to test his opinions by introducing a measure, which the hon. Member had gallantly done, and had thus redeemed the undertaking he then gave. He agreed with the last speaker in dissenting from the view of the hon. and gallant Member for Portsmouth (Sir James Elphinstone), that hon. Members ought to support a Bill because they approved of the principle, while they objected to the details. It was not because he disagreed with the principle of the Bill—it was not that he thought measures ought not to be taken against those who were continually drunken, or that he thought it might not be possible to apply to them, carefully and cautiously, some of the principles they had adopted with respect to lunatics, that he opposed that Bill; but he opposed it because, as the hon. and gallant Member for Portsmouth said, it bristled with objections, and it was not one that the House could wisely accept. The hon. Member for Bath, who had this matter so much at heart, and who had treated it with so much ability and moderation, would have improved his prospect of ultimate success if he had begun by moving for a Select Committee to inquire into the general subject, and particularly with what success the policy he proposed had been carried out in other countries. It was obvious that the Bill

proposed a great infringement of individual liberty, which ought not to be sanctioned without the fullest inquiry. Conflicting statements had been made about the experiments tried abroad, and before they embarked in legislation of this character, they ought to know something more of the lessons to be derived from their experience. The first great difficulty of the measure was the definition of the habitual drunkard, and the second was the practical question, whether there was any treatment which gave a fair hope that those persons could be reclaimed. It was obvious that if a man were denied liquor he would be sober, and that in that respect drunkards differed from the insane, whose mental disorder was continuous, irrespective of such interference. Whether a man who had been a drunkard would continue to abstain after his forced abstinence depended upon the power of his will, and that no one could test. He did not look upon the Bill as one to repress drunkenness; it would have an infinitesimal effect in that direction, as it would provide for the treatment of a very limited number of individuals. Then, again, it was proposed that a person might be shut up under that Bill without having been previously convicted of being drunk and disorderly, which he thought was a very grave power to intrust to any authority in the irresponsible and vague manner enacted in that Bill. Another objectionable result was, that there could be convictions in those parts of the country where there were reformatories, and not in parts where there were none; and persons might be confined for a period not exceeding 12 months; and that was supplemented by the provision that, under certain circumstances, a Justice of the Peace might order a further detention for six months. It was said that persons confined under that Bill would have all the protection that those confined under the Lunacy Act had in the way of visitation and otherwise; but how could a Lunacy Commissioner decide whether a man who had been by force kept from drink for a time was cured or not; and, if he could not decide that, what would be the value of a Commissioner's visit? He would suggest that the hon. Member in charge of the Bill should not press the second reading; but that at the commencement of next Session he should move for a Select

Committee to inquire into the subject. There was no hon. Member of the House who did not feel dissatisfaction with the way in which those drunkards who had rendered themselves amenable to the law were treated now; the fact that nothing was done but to repeat the same punishments was a sufficient condemnation of the law as it stood at present. The difficulties surrounding the question rendered it desirable that they should collect the results of the experience of other countries, and, before they had done that, it would not be safe to pass a measure of that importance.

MR. REED said, he would recommend the hon. Member for Bath (Mr. Dalrymple) to accede to the suggestion of the right hon. Gentleman the Secretary of State for the Home Department, although he thought the hon. Member had been rather hardly dealt with, after complying with the request made to him last year. Still, if he read the Bill a second time, he could not carry it further this year. Every hon. Member sympathized in the good cause he had undertaken, and the majority of those present would no doubt support the principle that the habitual drunkard should be reformed; but on other grounds it would be well to refer the matter to a Select Committee.

MR. COWPER-TEMPLE said, he also hoped that the hon. Member for Bath (Mr. Dalrymple) would accept the suggestion made to him by the right hon. Gentleman the Secretary of State for the Home Department. The principle of the Bill, which would be affirmed by a second reading, involved three propositions. First, that an habitual indulgence in excessive drinking weakened self-control, and the direction of conduct to the same extent as the loss of reason, and that drunkards ought to be put under restraints similar to those which were applied to lunatics, who were dangerous to themselves and others; secondly, this state of mental unsoundness constituting danger might be ascertained as well as ordinary forms of lunacy; and the third was, that there was some mode of treatment by which persons placed in reformatories or asylums might be cured of such uncontrollable propensities to irrational drinking. To the first mentioned proposition the House should be prepared to agree, though it was difficult to know when a man

after being shut up could be let out with safety; but as to the third, the House was entirely in the dark, for no evidence had been produced that habits could be acquired during a limited incarceration that would overcome the habits of drunkenness when liberty was restored. On that point he hoped the hon. Member would be able to get information next year.

MR. M'LAGAN said, that although a difference of opinion had been expressed as to how a measure of that kind should be carried out, no difference of opinion had been expressed as to the existence of an evil which ought to be remedied. Some hon. Members had objected to that Bill on the ground that it went too far, and interfered with the liberty of the subject; while others thought it did not go far enough. He was one of those who held the latter opinion. It would not, for instance, meet such a case as had been related to him, of a man who had been twice confined in a lunatic asylum for insanity produced by *delirium tremens*, and who was so aware of his propensity that he desired to be kept in the asylum; but as that could not be he was discharged, and soon after died of another attack, leaving his family in poverty. The hon. Member for Edinburgh had suggested the substitution of the word "and" for the word "or;" but he did not think that would meet the difficulty—in fact, it would leave the law exactly as it was at present. An Act had been passed by the Parliament of Quebec in which an habitual drunkard was defined as a person who was a drunkard according to the common report of the neighbourhood. It was also enacted that any Judge of the Superior Courts might, on the petition of a relative, or friend in default of relations, setting forth that a person was squandering and mismanaging his property, placing his family in distress, and endangering his health and life, order a person to manage the affairs of such an individual. No doubt that was very sweeping, and many persons would be appended under it. The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had said better lock up the drink than the persons who got drunk. But the hon. Gentleman only proposed to lock up drink in publichouses and not in private houses. He seemed to forget that most habitual drunkards got

Mr. Bruce

drunk in their own houses, and drank after every other reasonable person was in bed. There was another clause in the Quebec Act which was worthy of attention. Any person giving intoxicating drink to an habitual drunkard was liable to a fine of \$40, or, in default, three months' imprisonment. That would be an important provision to introduce into the English Bill. He would support the second reading of that Bill, though he hoped the suggestion would be agreed to, that it should be referred to a Select Committee to report on the whole subject.

MR. CORRANCE said, he hoped that the hon. Member in charge of the Bill, who introduced it on the invitation of the Home Secretary, and was now advised to move for a Select Committee, would not withdraw the Bill without a more distinct assurance than he had received of Government assistance and support. Such a Bill was required, because the provisions of the lunacy law were quite inadequate to meet the cases of habitual drunkards.

MR. D. DALRYMPLE said, he would accept without reserve the offer made by the right hon. Gentleman, of a Select Committee to inquire into the facts, without a knowledge of which it was impossible to form a just opinion on what he admitted to be a very difficult question. He did so all the more freely, because, from the strong opinions expressed in favour of the principle of the measure during this discussion, he had good reason to believe that the second reading would have been carried if he had pressed it to a division. If practicable, he should propose the appointment of the Select Committee before the close of this Session, in order that he might save time by simply moving its re-appointment on the re-assembling of Parliament.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

ELEMENTARY EDUCATION ACT (1870)
AMENDMENT BILL.—[BILL 67.]
(Mr. Dixon, Mr. Bailey Potter, Mr. Jacob Bright,
Mr. Muntz.)

SECOND READING.

Order for Second Reading read.

MR. DIXON, in rising to move
"That the Bill be now read a second

time," said, he was fully determined to take the sense of the House upon it, as it embodied a great principle. Although he had no hope of inducing any very considerable number of hon. Members to go into the same lobby with him, yet it would be advantageous to ascertain the sentiments of the House. No doubt it would be urged that they had had only one year's experience of the system of cumulative voting, and that, therefore, it would be premature to discuss an alteration of it; but, on the other hand, he believed the country had already come to a definite conclusion on the subject. He proposed to show—first, that the system did not secure an accurate representation of the opinions of the ratepayers; secondly, that the evils produced outweighed the advantages supposed to be derived from it; and, thirdly, that a much simpler and more satisfactory system might be devised. In illustration of these propositions, he would refer to the case of the recent school board elections at Birmingham, which had not been accurately understood. Although that case furnished an extreme example of the system, yet the evils there produced in an exaggerated form would exist in a modified form wherever the system was brought into operation. In Birmingham there were two great parties, the unsectarian party and the sectarian party, who, in regard to educational matters, were respectively represented by the "League" and the "Union." The Roman Catholics and Wesleyans somewhat disturbed the exact balance of parties; but that circumstance did not deserve much consideration, and, stated broadly, the "League" and "Union" parties corresponded with the Liberal and Conservative parties at elections for Members of Parliament. At the last General Election, the Liberals polled 22,500 and the Conservatives 9,000, the proportion being, therefore, as 5 to 2. In corroboration of that statement he might allude to a proposition made by the denominational party to the leaders of the League party prior to the school board election. They proposed that with the view to avoiding a contest, an arrangement should be come to, under which five members of the board should be nominated by the denominational party and 10 by the League. It turned out, however, that, instead of the Con-

servatives polling 9,000 votes they polled 10,000; while the Liberals, instead of polling 22,500 votes, as they expected, only polled 19,000, of whom 15,000 were of the unsectarian party. How was that discrepancy to be accounted for? The universal belief of the Liberal party in Birmingham was, that that unexpected result was owing to the fact that all the religious ardour which it was possible to evoke was brought to bear on the election, while the parochial machinery was used on behalf of the supporters of denominational education. On the other hand, the unsectarian party failed in these respects, and in one district found themselves entirely destitute of organization. Then, among the poorer and more ignorant classes, who usually belonged to the Liberal ranks, the system of cumulative voting was not understood, and it was very difficult for them to work it. In many instances, indeed, working men were practically disfranchised in consequence of the introduction of that new and complicated system. The result of the election was that there were 15,000 voters on the side of the unsectarians, 10,000 on the side of the denominationalists, and a little over 3,000 for the Roman Catholics; but, instead of the unsectarian party returning a proportionate number of members to the school board, they returned only six instead of eight, while the denominational party returned eight instead of five, and the Roman Catholics one instead of two. The unsectarian candidates were, without exception, men who had taken a leading part in all the controversies on the subject of education, while the denominational eight had no pre-eminence over them in that respect—one, indeed, being a publican who was never before connected with educational matters in any way. Thus, the working of the Act was placed in the hands of men who were opposed in some respects to its provisions, the natural consequence being that there had been a want of harmony in the proceedings of the board. It might, perhaps, be urged that all that was very true; but that the Liberal party were greedy in putting forward so many candidates. That, however, was an entirely mistaken view of the case. Previous to the election, the unsectarian party had very good ground for believing that five-sevenths of the electors would be on their side, and they

brought forward 15 candidates; but the denominational party, who according to their own showing were only entitled to return five candidates, brought forward eight. Consequently, if the unsectarian party were greedy, their opponents were still more so. The skilful men who had so successfully worked the Parliamentary election under the minority clause were of opinion that 15 candidates ought to be brought forward, and the unfortunate result was due to the badness of the system of cumulative voting, and not to the greed of the unsectarian party. It was said that if that system of voting were abolished, the smaller sects would be unrepresented; but he should like to know what advantage was gained by having one or two Roman Catholics on the London School Board, for example, as on all points at issue between Catholics and Protestants, the former would, of course, be unable to carry out their views, although they might display bad feeling and cause delay in the proceedings? He would now endeavour to show that the evils of the system far outweighed its benefits. In the first place, there was a very great waste of voting power. In the case of Miss Garrett, in London, and of the Roman Catholics at almost every election, twice as many votes were given as were required to attain the object in view. This evil would always prevail, though not, perhaps, to the same extent, and under the Ballot it would probably become exaggerated. It could only be avoided by the adoption of a system of wire-pulling. At the last election for Birmingham it was found that there was a great tendency to tamper with the voting papers. The moment a voting paper was left at the house of a working man the house was entered by an agent of one of the parties, and it often happened that when the working man returned home he found that his wife had been induced to allow the paper to be filled up. A considerable number of working men had thus lost their votes, because they were unable to procure fresh papers. Again, it was so difficult to fill up a voting paper containing the names of 30 candidates that persons who were unable to read were virtually disfranchised. At the late school board elections the question raised was not whether such and such candidates were the best men with reference solely to educa-

Mr. Dixon

tion, but whether they belonged to one or other denomination. The religious and sectarian element was brought in, and almost every Member was returned on account not of his educational, but of his religious qualifications. The result was, that in most of the places where a contest had occurred Roman Catholics, Churchmen, and Nonconformists were placed in a position of antagonism to one another. *The Times* of that day, speaking of himself, said—

“He may think it not desirable that the educational council of a community should gather together in the exact proportions of their strength the best friends of education within it.”

The fact, however, was that it was because he desired this that he objected to the cumulative system; but he was certainly not in favour of constant strife on the subject of religion. The disestablishment of the English Church was a subject which would be kept permanently before the country, and he would remind hon. Members opposite that wherever a school board was established the Churchmen would, under the cumulative system, be arrayed on one side and the Nonconformists on the other; so that in every part of the country there would be a centre of agitation and opposition to Church institutions that would hasten the great catastrophe which hon. Gentlemen opposite so much dreaded. In substitution of the cumulative vote he would propose the system almost universally adopted at municipal elections. Let every school district be so divided that there should be either three members of the board or multiples of three, and let one of each three members go out annually, so that there would be in each section of the district an election every year for one member, and for one member only. The result would be that that one member of the board would be elected by a majority of the voters. In the case of Town Councils this system had been found to work very well indeed. [“No, no!”] At all events, he was not aware that there were differences of opinion on that subject. In conclusion, he thought it was the duty of those who entertained the same opinions as he did to elicit the sentiments of the House of Commons on the subjects to which he had adverted. When he and his friends had ascertained accurately what their position was, they would go on working under the present

system, which they knew had been approved by a large majority of the House. He did not wish to offer a factious opposition to a law passed by the House of Commons; but he should not give up the hope—especially as he might count on the support of his hon. Colleague (Mr. Bright), who would probably resume his seat in that House next Session—that the day was not far distant when the people of England would decide in favour of the old plan of representation by majorities, and sweep away all those philosophical excrescences and innovations. In conclusion, the hon. Member moved the second reading of the Bill.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. Dixon.*)

Mr. COLLINS, in moving “That the Bill be read a second time upon this day three months” said, the real issue was whether the majority were to be represented alone, or whether different sections of the community ought to be represented also. He had always advocated the principle of representation of minorities in that House; but he thought the application of the principle to school boards was still more advisable than to the election of Members of the House of Commons, for while hon. Members represented the whole of the people of the country as well as their own constituencies, thereby indirectly representing minorities, on the other hand, a school board was an autonomy, and had a little Parliament of its own. Therefore, if there were no cumulative vote, the effect would be that the dominant section, and not the whole community, would secure the representation. In that House there might be a minority on the Government side agreeing with a majority on the Opposition; the consequence of which would be a majority of the whole House, and not merely of the Government. The principle of representation by a dominant majority eliminated out of its purview the whole of the rights and feelings of the minority; and that could hardly be regarded as a wholesome Liberal principle. The hon. Member for Birmingham (Mr. Dixon) argued that sectarian feelings were excited by the operation of the present system; but those whom the hon. Gentleman stigmatized as candidates for the Church party were mainly supported,

not because they were members of the so-called Church party, but because they had proved themselves to be zealous friends of education. It was the hon. Gentleman who placed such men on a sectarian platform. The Elementary Education Act of last year was passed for the purpose of supplementing the existing system, by making use of every school it could, and only where a school was really needed to direct one to be built there. The feeling, at the time of the passing of the Act, was not to get rid of denominational schools bit by bit, but it was rather in favour of them, and he held that the large majority of the people were disposed to give fair play to such schools, especially to those which were in the hands of voluntary supporters. With regard to the election of Town Councillors upon the system applauded by the hon. Gentleman opposite the Member for Birmingham, his experience led him to believe that it did not always work satisfactorily, since it did not succeed in giving that representation which ought to be a miniature of the whole people, and not merely a picture of a section. If a parent wished his child to be brought up in a religious atmosphere, why should he not do so? If he wanted his child to be grounded in secular education only, why should not his wishes be carried out? All were on a level in that respect. If the majority of the ratepayers desired a secular education only they had the right to exclude from board schools all religion whatsoever. But to whom did they owe the present state of education but to people who were imbued with religious feelings, chiefly members of the Church of England, but with a sprinkling of Wesleyans, Roman Catholics, and others? He opposed that measure on the same ground that he supported the principle of the representation of all sections of the people in that House. The school board ought to be formed so as to be a miniature picture of all classes of ratepayers. Dividing Birmingham into wards, a Roman Catholic could not be elected; but by taking the votes altogether every party might secure the return of a candidate. For these reasons he must move the rejection of the Bill.

LORD FREDERICK CAVENDISH, in rising to second the Amendment, said, he had listened to much of the speech

of his hon. Friend the Member for Birmingham (Mr. Dixon) who had charge of this Bill with surprise. His hon. Friend's proposal, if carried, would have the effect of electing to each school board men who were of one opinion. If at the last General Election no hon. Members had been returned representing Conservative opinions, hon. Members sitting on the Government benches would have been entirely unchecked by any wholesome criticism, and in all probability would have committed errors so numerous and grave that at the next Election they would, in a body, have given way to hon. Gentlemen opposite, who would be equally without control until another Election. Not only would the effect of his hon. Friend's proposal be analogous, but the proceedings of his hon. Friend and of the Birmingham League had proved that if they had got the power into their hands they would not have failed to use it. His hon. Friend not only argued that it could be no pleasure to a minority to be represented, inasmuch as they must be always beaten, but went even further, and appeared to think that a majority had grave cause for dissatisfaction if their opponents could be heard. Throughout his speech his hon. Friend had argued as if the Liberal party and the Birmingham League were synonymous. At the school board election the Birmingham League polled a little over 14,000 votes, or about one-half of the votes given; but they insisted as far as they could, that they should monopolize the representation on the board. His hon. Friend's argument was that minorities could have no influence, as they were certain to be beaten, a process never attended with any satisfaction. But that the opinions of minorities were not without their influence it would be easy to prove. Last year his hon. Friend was the able advocate of compulsory attendance at schools. In his desire to secure that result he (Lord Frederick Cavendish) for one, heartily wished him success; but the practical difficulties in the way were so great that it was thought better to leave the matter to the decision of the localities themselves. Nevertheless, although in the school board elections the League had been generally defeated, the principle had been adopted in the school boards in nearly every important town in the kingdom. That fact in itself was sufficient to show that a minority, if they

Mr. Collins

had sound argument in favour of the cause they desired to recommend, would see their efforts crowned with success, and that, too, without having to wait for it any great length of time. The principle of compulsory attendance adopted by the boards as at present constituted, had commanded a cheerful obedience; but that obedience would not, he believed, have been cheerfully given if none but members of the Birmingham League had been represented on the school boards. His hon. Friend had stated that, owing to the complexity of the present system, a large proportion of the electors did not record their votes, but out of the 30,000 electors who voted at the last Parliamentary Election for Birmingham over 29,000 voted at the election for the school boards. [Mr. Dixon: The constituency has increased since.] In Greenwich, Chelsea, and Lambeth a larger number voted for the school boards than at the election of Members of Parliament. Then they were told that the present plan gave undue power to party organization, but, as the League candidates at the last election had each polled between 13,000 and 16,000 votes, that result was sufficient to show that the League had little to regret in the way of organization, and that but few of the votes of their supporters had been squandered. Finally, his hon. Friend had urged that the present system involved a great waste of voting power, but at Manchester, where 15 members were to be elected out of 44 candidates, the successful candidates secured 330,000 out of 399,000 votes. At Sheffield, with 54 candidates, the successful 15 polled two-thirds of all the votes recorded; and at Lambeth something like the same proportion was maintained. Looking at the results of the Act of last year, they might, he believed, say that the school boards would fairly compare with any other of their local bodies, and their quiet, practical, harmonious working afforded a fair prospect of their being able to remove the reproach, which had hitherto been too true, that they were the worst educated nation in the world.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Collins.*)

MR. MORRISON, as a Member of the National Education League, said, he

desired to oppose the Bill before the House. Of that opposition his hon. Friend the Member for Birmingham (Mr. Dixon) had no reason to complain. His hon. Friend, and those who acted with him, had accepted the adhesions and subscriptions of many Radicals, like himself, who had always advocated a system of proportional representation, and had never concealed their opinions on that point. When, therefore, his hon. Friend and the Council of the League proposed to repudiate the cumulative vote, because it had failed at Birmingham, he entirely abjured his hon. Friend's leadership for the time being. That taxation and representation should go together was, he believed, an axiom equally dear both to himself and to his hon. Friend; but unless there were representatives of all parties on the school boards, to determine the extent and nature of the taxation to be imposed, that axiom was violated. Parliament last year, in dealing with the subject, had determined upon relegating to the educational bodies themselves the settlement of the various educational difficulties. That settlement had been aided by the very system of which his hon. Friend complained. Claiming as he did freedom for the religious opinions of all his fellow-countrymen, he could not but feel that under such a proposal as that now made by his hon. Friend, not a single Roman Catholic would have stood a chance of being elected to a school board in that country. Such elections he believed to be necessary for the protection of his Roman Catholic fellow-subjects, because he believed the conscience clause was of very little use, unless there was some watch-dog always ready to see it enforced. Again, without the cumulative vote, he believed it would be impossible for any working man to secure a seat at one of these boards, and even with that vote but one such had been elected in London. The effect of the Bill would be to return absolute majorities, destroy discussion, and make opposition valueless. Everyone knew that a good opposition was an admirable thing for the country, seeing that it prevented the introduction of immature measures, and made persons cautious in the expression of opinions. Accepting the axiom that the majority should govern, he still desired to see minorities represented; if the old system had prevailed

the late election for the school board would have resulted in a fight between Liberals and Conservatives, or between Nonconformists and Churchmen; and it would have been impossible to secure the election of a single lady, though all must admit their presence on the boards was in many cases an element of great strength. He could not, in answer to the practical difficulty suggested by his hon. Friend, submit that cumulative voting was entirely satisfactory. There was, for instance, an enormous waste of votes in Marylebone to secure the return of Mrs. Anderson; but that defect could be cured by some system of preferential voting. He would not, however, detain the House upon that point, as he proposed introducing the subject on some future occasion.

MR. VERNON HARCOURT, said, he should vote for the Bill, because it raised the question of proportional representation. He did not wonder that the hon. Member for Boston (Mr. Collins) and the noble Lord the Member for the Northern Division of the West Riding of Yorkshire (Lord Frederick Cavendish), opposed the Bill, because they were the advocates of proportional representation. But that principle had never been adopted by the Liberal party. It had been denounced by the Prime Minister, by the right hon. Member for Birmingham (Mr. Bright), by the right hon. Member for Buckinghamshire (Mr. Disraeli), and by all the most experienced statesmen in the House; and he, for his part, had not advanced so far as to adopt the new fangled system which was proposed as a substitute for the old clumsy system of election by majorities. He had noticed the hon. Member for Boston sitting on the Liberal side of the House below the gangway the other night, and could not help thinking he had better take his seat there continually as the leader of the philosophical Liberals. Propositions from that party had been numerous of late. Female suffrage, minority votes, payment of Members, and payment of election expenses out of rates, had been proposed by it. But the cause of Liberalism seemed to be going in a direction which was not desirable in the estimation of some; the arrangement it was proposed to put an end to had been carried by a minority of the Liberals combined with the majority of the Conservatives. Al-

Mr. Morrison

ready that combination had saddled the country with three-cornered constituencies, and now the hon. Member for Boston had announced his intention to attempt to introduce the system into the municipal elections by means of the Bill now going through the House, with the avowed object of overthrowing the unjust preponderance of Liberals in the municipalities of the country. The principle that representation should go with taxation was older than the assertion in favour of minority representation; their ancestors had always been content with the old clumsy system of representation by majorities, and, believing proportional representation was contrary to the habits and sentiments of the people, he (Mr. Harcourt) promised it continual opposition.

MR. MELLY said, he must, having taken part in school board elections, express his belief that there never was a system better calculated to bring together in one room the best men of each town to constitute a school board, and he therefore hoped that the Bill would be rejected. A school board was not only a deliberative assembly, but an assembly which had permissive power to make laws for the purpose of carrying out the wishes of the population over whom it was placed. In his opinion all parties ought to be represented on such boards, and thus secure the sympathy of all sects and denominations. The little dissatisfaction which had resulted from the late school board election had been occasioned not by the system of cumulative voting, but by divisions in the parties to whom seats had been lost.

MR. AUBERON HERBERT said, he hoped that when the hon. and learned Member for Oxford (Mr. V. Harcourt) offered to the hon. Member for Boston (Mr. Collins) the leadership of the philosophical Liberals there was no *spreta injuria formæ* which led him to do so. The hon. Member for Birmingham had discovered no inconveniences resulting from this new mode of voting which had not been expected. The way to meet the waste of votes was to go further and introduce a system of preferential voting. Wire-pulling might be objectionable, but it was almost a necessary consequence of the existence of great public interest in a subject. Surely the hon. Member did not want to get boards formed of persons having

identical opinions, and at the same time do great injustice. If he was unrepresented on the school board, and he was compelled to send his children to a school to be educated on a system he disapproved, it was no satisfaction to him to know that another man in the next district was in precisely the same situation. Though an earnest advocate for State education, he always allowed it was a defective remedy for a bad state of things, for if parents were sensible of their responsibilities school boards would be unnecessary. He advocated the continuance of the present system on grounds of tolerance and forbearance. The danger of the future was that one party should get the government into its hands without check and use it for themselves without regard to the rights of the rest of the community. Nothing could save the country from that danger but the encouragement of a general feeling among the people that government must be carried on in the interest of all.

VISCOUNT SANDON said, he wished to look at the matter in a practical point of view. One remarkable and almost universal result of the cumulative vote was the return of persons of different creeds and classes who had shown an interest in the work of education. The candidates generally who had been rejected were theorists, and not practical men. The new system had brought together great numbers of men of practical experience, who were a true representative of every class and every denomination in each locality. He had carefully watched the proceedings of the London Board, having the honour of being a member of that body, and he was convinced that the result of the elections had been to bring together a mixture of opinions which had been productive of a wonderful feeling of toleration and harmony, and he might safely say that the spirit of religious dissension had hardly shown itself at their meetings. That could only have been brought about by the system of cumulative voting, and he believed that when the time arrived to solve the difficult problem of compelling the attendance of children at schools the mixed representation would have a very salutary effect. He thought it very objectionable, after only one year's experience, to change a system of voting which had produced such beneficial results, and

that it ought not to be tampered with until it had had a fair trial.

MR. BAINES said, he thought it exceedingly desirable that all political parties and all religious sects should be fairly represented on the school boards, and could not consent to the adoption of any system which would establish monopolies in different parts of the kingdom. The present system had worked most satisfactorily in Leeds. No doubt the majority of the board consisted of Nonconformists, there being nine members of that body against six Churchmen. There were also eight Liberals against seven Conservatives. There would have been a greater preponderance of the Nonconformist and Liberal element had it not been for the attempt to obtain rather more than it was judicious to do. If there had been a great controlling majority of Nonconformists in Leeds, what would have been the result? The members of the Church of England had raised funds for the education of no less than 19,000 children, and it would have been almost impossible to have carried on the education system if the members of the Church had been excluded from the school board. In the small towns and villages the result might be different, where the majority were Churchmen and Conservatives. But he thought it would be unjust to establish a monopoly in any part of the country, and trusted that the system which had proved so successful would still be continued.

MR. WINTERBOTHAM, in the unavoidable absence of the right hon. Gentleman the Vice President of the Council, stated that he had not the less hesitation in expressing his right hon. Friend's sentiments disapproving the Bill, because it happened that that was the only question upon which he (Mr. Winterbotham) thoroughly agreed with him last year. He did so, not because the cumulative vote was philosophical, whatever that might mean, but because it was just. Being so, it had grown in favour with the country, and the experience of the school board election had settled the matter finally. It had produced the end desired, and none of the evils feared. It signally succeeded in Birmingham in securing the just proportion of representation, and preventing a monopoly of representation by one party, as it always should do; and although a staunch leaguer and secularist

in education, he could not help saying that the rebuke his friends in Birmingham had received was thoroughly well deserved.

Question, "That the word 'now' stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for three months.

LOCAL AND PERSONAL ACTS (IRELAND)
BILL.—[BILL 26].—SECOND READING.

(*Mr. Heron, Mr. Pim, Mr. Bagwell.*)

Order for Second Reading read.

MR. HERON, in moving "That the Bill be now read a second time" said, the object of it was to allow all local and personal Acts to be dealt with in their respective localities in Ireland, instead of bringing them before Committees of Parliament. The House of Commons had from time to time given up great portions of its jurisdiction, and had recently parted with it in election matters, and he proposed the establishment of machinery similar to that of the Election Judges, which should virtually have the jurisdiction now exercised by Committees. That measure was one vitally affecting the commercial interests of Ireland, and, in now moving its second reading, he trusted that its opponents would allow the division upon it to be taken that afternoon.

MR. SMYTH, in rising to second the Motion of his hon. and learned Friend the Member for Tipperary County (Mr. Heron), said, he hoped he should receive the kind indulgence of the House, in addressing it for the first time as the Representative of a great and virtuous constituency, the liberty of every man among whom was at that moment at the mercy of any policeman who chose to suspect him. He wished to take advantage of that opportunity to call attention to the larger question of self-government for Ireland, and he took that course with entire respect for the House, and in discharge of what he deemed to be his duty both to his constituents and to his country. The feudal barons who went from England to settle in Ireland, in the reign of Henry II., carried with them such notions of political liberty as at that time prevailed in England, and attempted to form a Constitution for Ireland on a

similar basis to the one existing in the country they had just left. Down to the time of Henry VII. the Irish Parliament, such as it was, with occasional interruptions on the part of England, exercised the right of legislating in the same manner as in this country; but a law then passed, and which was afterwards enlarged and explained reversed the course of Irish legislation, and the Irish Lords and Commons were deprived of the right of framing and proposing Bills. According to the construction of these statutes a Bill had first of all to be framed by the Deputy and Council of Ireland, then transmitted to the King and Council of England, and then presented to the Irish Parliament, to which was left simply the privilege of agreeing to the whole Bill, or of rejecting it. However degrading to the character of a people was such a law, it still represented the idea of a distinct power legislating for a distinct country—claimed as a right, not held by mere sufferance. By the Act passed in 1719, the 6 *George I.*, it was declared and enacted that the British Parliament had, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the kingdom and people of Ireland. That Act naturally created great discontent among the Parliament and people of Ireland, and they protested against that claim on the part of the English Parliament as an usurpation. The Act of 6 *George I.* was repealed by the 22 *George III.*, c. 52, and by a subsequent Act, the 23 *George III.*, c. 28, the English Parliament renounced for ever the right to bind Ireland by its laws, and recognized its right to have its laws passed by its own Parliament, with the assent of the Sovereign. The House would perceive from this brief *resumé* that in the demand which the people of Ireland now made for a distinct Legislature they were supported by precedent and by charter. Even if it were not so, they could appeal to principle, and remind this great English nation that their Revolution of 1688 derived its vindication from the principle that the will of the people was the only rightful foundation of government, as had been explained by Locke. It would not be denied that the Union was carried by iniquitous means against the wishes of the Irish people, and that that Parliament did not rule Ireland with the

Mr. Winterbotham

consent of that country. From the year 1800 down to the present time the repeal of the Union had been the one object, filling the measure of every patriot heart. In 1830, Mr. O'Connell proclaimed the desire for the repeal of the Union as the first utterance of the emancipated Catholics.

MR. SPEAKER: I have been very unwilling to interrupt the hon. Member for Westmeath, and I hope he will think I have permitted him able opportunity of expressing his opinion; but I must invite his attention to a Rule of this House, that he must speak to the question now before us, which is a question quite different from that which has been occupying him thus far. I beg now that he will speak to the question immediately before the House.

MR. SMYTH resumed, and said he hoped the right hon. Gentleman in the Chair and the House would understand that he had not intentionally ignored the Rules of the House. He had wished to support the Bill of his hon. and learned Friend (Mr. Heron), and, at the same time, he had been anxious to call attention to the larger question which, he thought, was connected with it. He was disposed to give all due credit to the right hon. Gentleman the Prime Minister, who had had the courage to grapple with this great difficulty; but he had felt it his duty, in his first appearance in that Parliament, to call attention to the obvious fact that the difficulty became day by day more and more of an impossibility. He bowed to the decision which had been given by the right hon. Gentleman in the Chair; but there was one further remark which he wished to make, and that was, that he believed the change now proposed could be effected without derogating from the authority or tarnishing in any degree the splendour of the Crown. Whether it should be accomplished by a simple repeal of the Union, or by a federal arrangement, was immaterial, provided that to Irish hands should be exclusively intrusted the management of Irish affairs. He recollected reading with pleasure the rebuke administered by the right hon. Member for Buckinghamshire (Mr. Disraeli) to some Irish gentlemen who spoke of Ireland as a conquered country. But why was Ireland ruled as a conquered country, and in the spirit of conquest? He himself denied the fact of the con-

quest, and if that fact were proved he would deny that conquest gave any title to allegiance. To an assumed right of conquest he would oppose the rights of man, and to an assumed fact of conquest he would oppose the Irish Act of the 33rd year of Henry VIII., and the first Article of the impeachment of Lord Strafford—

MR. SPEAKER: The House has listened with attention to the expressions of opinion of the hon. Gentleman the Member for Westmeath; but the Rules of the House cannot be extended too far, and the hon. Member at present has not addressed a single observation to the subject now before the House. Should he continue his remarks, I must request that he will now address himself to that subject.

MR. SMYTH said, he bowed with entire respect to the decision of the right hon. Gentleman, and he would close his remarks by expressing a hope that the Bill of his hon. and learned Friend would be passed into law.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Heron.*)

MR. VANCE said, he must compliment the hon. Gentleman who had just sat down (Mr. Smyth) on the sincerity with which he had expressed the views he was sent there to advocate, but he thought the hon. Gentleman ought to have brought forward a formal Motion for the repeal of the Union, instead of declaring his views on that question in a Bill of that character. The constituents of the hon. Member for Tipperary would not be satisfied with the homœopathic dose of home rule contained in that Bill. They wanted a great deal more, and would believe that if that Bill passed it would postpone the consideration of the question which the hon. Member for Westmeath was so anxious to bring before the House. ["Question!"] He was speaking to the question raised by the hon. Member for Westmeath, and his own opinion was that "home rule" in Ireland would prove to be "Rome rule." If he (Mr. Vance) had been a Member of the Irish Parliament, he should have voted against the Union, but—

SIR JOHN GRAY rose to Order. He submitted that if it was not competent for an Irish Member to advocate the

right of his country to home rule, it was not competent for another hon. Gentleman to advocate the opposite view.

MR. SPEAKER thought the hon. Gentleman the Member for Armagh was out of Order.

MR. VANCE concluded by saying that he hoped the Bill would not be passed now, but that the whole subject might be fully and impartially considered before a Committee next Session.

SIR JOHN ESMONDE said, he was strongly opposed to the Bill, which seemed to have for its object the creation of new work for the Irish Judges. The legal profession in Ireland was already too prominent, and excluded the great body of the people, and that exclusion and the power of the legal profession would only be increased by that Bill.

MR. BOUYERIE moved the Adjournment of the Debate.

Motion agreed to.

Debate adjourned till Wednesday, 9th August.

POOR RATE ASSESSMENT AND COLLECTION ACT (1869) AMENDMENT BILL.

On Motion of Mr. HENDERSON, Bill to amend the Poor Rate Assessment and Collection Act, 1869, and to explain the term "dwelling house" in relation to certain franchises, *ordered* to be brought in by Mr. HENDERSON, Mr. CRAWFORD, Mr. EUSTACE SMITH, and Mr. BOWRING.

Bill presented, and read the first time. [Bill 241.]

IRISH CHURCH ACT (1869) AMENDMENT BILL.

On Motion of Mr. HERON, Bill to amend the Thirty-second Section of "The Irish Church Act, 1869," *ordered* to be brought in by Mr. HERON and Mr. BAGWELL.

Bill presented, and read the first time. [Bill 244.]

MAYNOOTH COLLEGE BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Acts relating to the College of Maynooth, *ordered* to be brought in by The Marquess of HARTINGTON and Mr. SOLICITOR GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 243.]

And it being Six of the clock, Mr. Speaker adjourned the House till Tomorrow, without putting the Question.

Sir John Gray

HOUSE OF LORDS,

Thursday, 13th July, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Charitable Donations and Bequests (Ireland)* (258).

Second Reading—Army Regulation (237), *debate adjourned*.

Report of Select Committee—Locomotives* (No. 256).

Committee—Factories and Workshops Act Amendment* (239-261).

Committee—Report—Public Health (Scotland) Supplemental* (227); Kingsholm District Boundary* (215).

Third Reading—Union of Benefices Acts Amendment* (219); Ecclesiastical Titles Act Repeal* (184), and *passed*.

Withdrawn—Locomotives* (209).

Royal Assent—Public Health (Scotland) Act (1867) Amendment [34 & 35 Vict. c. 38]; Metropolitan Building Act (1855) Amendment [34 & 35 Vict. c. 39]; Primitive Wesleyan Methodist Society of Ireland Regulation [34 & 35 Vict. c. 40]; Gasworks Clauses Act (1847) Amendment (No. 2) [34 & 35 Vict. c. 41]; Citation Amendment (Scotland) [34 & 35 Vict. c. 42]; Ecclesiastical Dilapidations [34 & 35 Vict. c. 43]; Benefices Resignation [34 & 35 Vict. c. 44]; Sequestration [34 & 35 Vict. c. 45]; Prayer Book (Tables of Lessons) [34 & 35 Vict. c. 37]; Bath City Prison [34 & 35 Vict. c. 46]; Metropolitan Board of Works (Loans) [34 & 35 Vict. c. 47]; Promissory Oaths [34 & 35 Vict. c. 48]; Bankruptcy Disqualification [34 & 35 Vict. c. 50]; Marriage Law (Ireland) Amendment [34 & 35 Vict. c. 49]; Pier and Harbour Orders Confirmation (No. 2) [34 & 35 Vict. c. xovii].

ARMY REGULATION BILL.

(The Lord Northbrook.)

(No. 237.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD NORTHBROOK: The subject of Army organization has been already so much discussed here and elsewhere, and your Lordships are doubtless so fully impressed with its importance, that I hope I shall be excused for proceeding, without further preface, to describe the contents of the Bill "for the better regulation of the regular and auxiliary Land Forces of the Crown, and for other purposes relating thereto," which I shall have to ask your Lordships to read a second time—to make some observations respecting its scope—and to state the principal features of the general scheme of Army organization which has been commenced by Her Majesty's Government, and for the further prosecution of which it is necessary that this Bill should become law.

I wish at the outset to remove two misapprehensions—the first is that the Bill ought to contain in itself a complete scheme of Army organization. Your Lordships must be aware that such details do not find their proper place in an Act of Parliament, but are carried out on the responsibility of the Executive Government of the Crown by Royal warrants and regulations. All that the Legislature has to do is to confer powers or remove obstructions, and having paid attention to what has passed in “another place,” I am not aware that anyone has suggested any grant of powers or removal of obstructions not comprised within this Bill. The other misapprehension is that the Bill, having been originally introduced with a twofold object—the abolition of purchase and Army organization—the latter, that which the country most prized, has been abandoned, and the Bill has been left a crude, naked, and deformed measure for the mere abolition of purchase. [*Opposition cheers.*] I infer from the cheers with which I am met that this opinion is entertained even now by some of your Lordships, but it is one which has no foundation. Only three provisions have been omitted from the Bill. The first is the power of transferring soldiers from active service into the Reserve after less than three years’ service with the colours. Now, this is simply an extension of the powers conferred by the Army Enlistment Act of last year; it is a power not likely to be exercised, and the only reason why it was introduced was to provide for a contingency rendering it desirable, at any time of reduction, to pass men into the Reserve after a shorter service than three years. The Government are satisfied to abide by the powers conferred by that Act, and the abandonment of the provision does not affect the power of thoroughly carrying out the short service system of enlistment. The second omitted provision relates to the Ballot for the Militia. I will not assert that this is of no consequence, for it raises the question—one of considerable interest in this country, and still more so on the Continent—whether, if compulsory service be established, substitutes shall be allowed. The Act of 1860, however, gives full powers for resorting to the Ballot should it at any time be required, and it being the opinion of the Government that the

principle of compulsory service is only to be applied after clear proof that the voluntary system is insufficient, this part of the Bill, however interesting and important, can obviously be postponed to a more convenient season, the enormous length of the discussion in “another place” rendering it impossible to give sufficient time for its consideration this Session. The third omitted provision is one of very slight importance. It enables counties to raise money for the purpose of building barracks for the Militia, and though it might have been a useful power had the counties been disposed to act upon it, the exceedingly narrow majority by which the House of Commons negatived a proposal to repay the money already expended by counties for similar purposes—a proposal not resisted by the Government on its merits, but reserved for future consideration—is a sufficient proof that Courts of Quarter Sessions would not have been likely to take advantage of it.

I have tried to show that the Bill is not open to the objection, either of not containing a complete scheme of Army organization, or of having been mutilated and rendered useless for any practical purpose. I proceed to explain the powers to be conferred and the obstructions to be removed by it. Its most important provisions are those which abolish purchase, and withdraw the power now conferred by law on Lieutenants of counties, as to the command of the Militia and Reserve forces. Clauses 2 to 5, and 10 to 13, relate to the abolition of the purchase and sale of commissions, the protection of officers from prosecution for past illegal transactions, the pecuniary indemnity to be provided for officers holding saleable commissions, and for the customary bonus given to officers of old Indian regiments. The second principal provision of the Bill relates to the resumption by the Crown of the powers given by law to Lords Lieutenant over the Militia and auxiliary forces, except those relating to the Militia Ballot. The third provision withdraws the limit as to the number of Militia laid down by the Acts of 1852 and 1854, takes power to train men for a longer period than that now allowed by law, and confers powers to obtain land for ranges and other purposes for the use of the Militia. The fourth provision withdraws the statutory limitations to

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the number of the Reserves for the Army. The fifth provision places the Volunteers, when in training with the Regular forces or the Militia, under the provisions of the Mutiny Act. The sixth, and last, will enable the Government to take possession of the railways in case an emergency requiring it should arise.

With respect to the question of purchase I hope I may be excused if I decline to go into the general arguments for and against that system. The action of the Leaders of the Conservative party makes it clear that they, at least, do not seriously defend the system. When a Motion was brought forward in the other House of Parliament affirming the maintenance of the purchase system, it was negatived without a division by the express advice of Mr. Disraeli, who certainly did not himself defend the system. Then a gallant and distinguished Officer in the other House, who has been consistent in his opposition to the Bill of the Government (Colonel Anson) admitted before the discussion closed that purchase was doomed. And if I look to the Amendment about to be proposed by the noble Duke (the Duke of Richmond), I gather from it that the noble Duke will not seriously attempt to defend the purchase system. If I am mistaken in that opinion, I must observe that his Amendment is open to the fatal objection that it does not raise the real issue on a question of high public policy. I will therefore leave the general arguments for and against purchase to the exhaustive statement contained in the Report of the Royal Commission of 1857, presided over by the noble Duke behind me (the Duke of Somerset) and in which the noble Earl opposite (the Earl of Derby) bore an active and distinguished part. I will only call attention to one most important reason why at the present time in the opinion of Her Majesty's Government, the system of purchase must, for the true interests of the country, be abandoned. That reason is that, with such a system, it is impossible to secure a professional body of officers for the Army. ["Hear, hear!" and "No, no!"] It appears by that expression of dissent that some noble Lords do not agree with me. I will therefore give the reasons which appear to lead irresistibly to that conclusion. The whole merit, if it be a merit, of the purchase system is that by frequent

changes among the junior officers it conduces to rapid promotion at no expense to the public. But that merit is inconsistent with the possession of a high professional knowledge by the average of officers. Probably your Lordships and the public are not aware of the effect of those rapid changes on the officers of the Army. The calculations on this subject, which will be found in the Appendix to the Report on Promotion and Retirement in the Ordnance Corps, 1870, page 112, show that, out of 1,000 officers who enter purchase regiments of infantry of the Line, only 183 attain the rank of major or lieutenant colonel, and only 48 that of major general; the great body of the officers retiring, selling out, or dying in the junior ranks. Of those who sell out, 161 are ensigns, 281 lieutenants, 185 captains, 38 majors and lieutenant colonels: total, 665. In other words, 66½ per cent retire from the Army by sale alone, of which only 38 are in the rank of field officers. Now, however anxious officers may be to acquire a knowledge of their profession—and I believe there are very many of them most anxious to do so—it is utterly impossible that such a system can produce a body of thoroughly instructed officers. In the Artillery and Engineers, on the other hand, where high professional knowledge is required, very few officers retire. Those who are placed in a position which obliges them to consider this question, have been struck very sensibly from recent events on the Continent, with the necessity of having the Line officers in our Army highly qualified by professional training and careful study. That opinion is strongly entertained by a noble and gallant Lord (Lord Strathnairn) who recently brought forward a Motion on the subject. That distinguished and gallant Officer gave evidence before the Royal Commission on Army Education, which is doubtless in the recollection of your Lordships, and which showed not only the importance which he attached at the present day to complete professional instruction, but also the opinion which he entertained that our officers, with all their merits, are, speaking broadly, deficient in that respect. I know that old times will be appealed to, and it will be said that the officers of the British Army have always done their duty. I should be the last man to deny it; I should be

ashamed of being an Englishman if I did not look with admiration upon the way in which the officers of the British Army have done their duty. But recent alterations in the art of war, the introduction of improved weapons, the rapidity of movement, the new system of tactics which prevails in the Prussian Army—a system which is, I believe, being adopted by Italy and France, which will probably be adopted by all the European Powers, and which sooner or later must be adopted by ourselves—makes it far more important than ever that our officers should possess professional knowledge. Some works have been published of late years which will probably take their place in classical military literature. The highest place will, perhaps, be taken by a work called *A Tactical Retrospect*, which was written after the Austrian and Prussian War, by an officer who unfortunately lost his life in the late campaign. The reason why I call it a classical work is because there is not a suggestion in it which has not been adopted by the highly distinguished Chief of the Staff in the Prussian Army, and carried into effect in the late campaign. Captain Mai, the author of this work, after describing the Prussian system of infantry tactics, says—

“Such a disposal of men is only possible when the officers of all ranks, without exception, are educated in the highest degree, both in an intellectual and military point of view, and are in a position to rely on their own tact for the solution of difficult and weighty points rather than on any prescribed scheme of tactics. One single individual who is destitute of the above qualifications, has the power of causing the most ruinous consequences, which is a further proof of the great advantage to be gained by having all officers formed on one principle.”

Those who are best qualified to judge of the causes which have produced recent events abroad will not give the lowest place to the high professional qualifications possessed by the whole of the officers of the Prussian Army. I cannot too strongly impress upon your Lordships the conviction of those entrusted with the administration of the British Army of the necessity of giving to our officers a high professional training.

I will now refer to a few of the obstructions which the purchase system throws in the way of a re-organization of the British Army. The purchase system can only be correctly de-

scribed as a spider's web of vested interests. [“No, no!”] If any doubt was previously entertained by the public on that point it must have been entirely removed by the discussions in the House of Commons. Those who have watched those discussions must have felt that the attention of the House and the public was diverted from the real issue of Army organization to collateral issues, important and interesting no doubt as affecting the officers, but still inferior, in a national point of view, to the far greater questions to which I have referred. Wherever those who attempt to re-organize our Army turn they are met by vested interests. Take an instance. In the Guards an alteration was recommended by the illustrious Duke at the head of the Army, and adopted by the Secretary of State; but they were met at once by the fact that if this simple alteration for the benefit of the service were carried out, two gallant colonels would lose a large sum of over-regulation money. Again, if we want to appoint subalterns of the Militia to regiments of the Line, how can it be done under the purchase system? If we want to transfer officers from the Line to the Militia, there will be great difficulty in doing it under the purchase system. The question will be, not who is the best man, but how his “money can be made up?” A man cannot leave his regiment without getting his price, and who is to pay the price? Supposing it to be desirable to increase the number of *cadres* of infantry battalions, and to raise further battalions in order to connect them with the Militia in different counties; how can this be done without either creating a vast mass of new vested interests, or mulcting the officers who are posted to those battalions? The purchase system meets us at every step; but if the reason of the thing, and the opinion of those who are practically conversant with, and responsible for, the organization of the Army is not sufficient to convince your Lordships, I submit that the recent history of the question is conclusive.

In 1868 Sir John Pakington, then Secretary of State, determined, in concert with his military advisers, to abolish the rank of cornet and ensign. The approval of Her Majesty was obtained, and on leaving office Sir John Pakington recommended the measure to

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the notice of his successor. Mr. Cardwell, in 1870, in introducing the Army Estimates, announced his intention to carry out this small and simple measure; but a fortnight did not elapse before he had to abandon it. The reasons which he (Mr. Cardwell) gave on the 14th of March, 1870, were these. He said—

“It appeared to me desirable to take this opportunity of accomplishing a purpose which I thought would be beneficial to the subaltern officers of the Army, and which was recommended to me by my predecessor in office—I mean the abolition of the ranks of Cornet and Ensign—and for that purpose I introduced into the Estimates the further sum of £45,000. Looking to the advantages of that proposal, I thought it might have been accepted without raising the general question of the over-regulation prices, which it was neither my intention nor desire to raise. That view, however, has not been taken; the general question has been raised; and, as I feel that the proposal I have made is not of sufficient importance to bear the weight of the general question, I do not propose to persevere in it, but, on the contrary, to take that sum of £45,000 as an addition to the saving to be realized by the present Estimates. The question having been raised, Her Majesty's Government are of opinion that it ought to be thoroughly examined. They have no desire to deal with the question of purchase except upon principles of perfect equity. What is known to every one is that, notwithstanding the prohibitory provisions of the statute, over-regulation prices are generally paid; but there is no information which can be officially considered by the Crown or laid before Parliament, and it is the intention of Her Majesty's Government humbly to advise Her Majesty to institute inquiries by a Commission for the purpose of obtaining that information.”—[3 *Hansard*, xcix. 1876.]

I submit with great deference that if the purchase system in a matter involving so small a proportion of over-regulation money is sufficient to prevent a change so small, it will be impossible to carry out the larger and more important changes without—what?—the abolition of purchase? No; but without injustice to the officers of the Army if purchase is not abolished. That is the answer I give, by the way, to the statement that everything that is proposed can be done without the abolition of purchase.

The history of this case naturally leads me to the present position of the question of purchase. In 1870 a Royal Commission was appointed to inquire into the extent of the system of over-regulation prices, the incidents of that system, and the degree of recognition it had received. The Report of the Commissioners is in your Lordships'

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hands, and their two main conclusions were—First, that—

“There has been a tacit acquiescence in the practice, amounting, in our opinion, to a virtual recognition of it by civil and military departments and authorities.”

And, secondly, that—

“Not the least important incident of the practice is the habitual violation of the law by officers of all ranks under that of major general, supported by long-established custom and unchecked by any authority.”

Her Majesty's Government, being in possession of that Report, felt bound to deal with the question, and had to consider the manner in which it should be dealt with. Could they venture to render extra-regulation prices legal? None of your Lordships would recommend that course. It would simply be to put promotion in the Army up to the highest bidder. If your Lordships doubt that statement, I can appeal to one of the highest authorities that this country has ever produced upon Army questions—the late Lord Palmerston. Lord Palmerston said, in 1824—

“If commissions were allowed to be sold it was obviously necessary to limit the price that was to be paid for them; for if not, and if every officer were permitted to bid according to his means and to his desire for promotion, abuses would take place beyond all calculation.”

Could they have determined for the future deliberately to connive at the illegal practice? I will quote the authority of my distinguished relative, Sir George Grey, the Chairman of the Royal Commission, on that point. Sir George Grey, speaking on the 30th June, said—

“With regard to the future it was the bounden duty of the Government to declare in the most explicit manner that they would no more be parties to this violation of the law, and that they should take every means in their power to stop the practice.”

It is no light matter for those at the head of the Government of the country to connive deliberately at the violation of an Act of Parliament. The last and only other alternative was to put an end to the practice, and at the same time to condone past violations of the law. It may be suggested that for this purpose it was not necessary to have abolished the purchase system, but that over-regulation prices might have been prevented, and the system of purchase for regulation prices left untouched. The answer is that the experience of two centuries has

proved it to be impossible. What does the Royal Commission say on that point?

"Where one man has something of value to sell which can legally be sold, and another man is desirous of purchasing it, the opportunity being afforded them of coming to a mutual understanding, it has been found useless to prescribe by law or regulation the precise terms on which the sale is to be effected."

The only course, therefore, left was to abolish the purchase system. That may be done in different ways. The Government might have followed the recommendation of the Royal Commission of 1857, presided over by the noble Duke (the Duke of Somerset), that purchase should be abolished with respect to the rank of lieutenant colonel, a course which was adopted and announced to Parliament by Lord Palmerston's Cabinet in 1860. But difficulties arose, and for reasons which I am unable to explain, for 14 years the recommendations of that Commission have never been acted on. I am inclined partly to attribute the delay to the lamented death of Lord Herbert, who was one of the strongest advocates for the system of selection in the British Army. But, however that may be, Her Majesty's Government, seeing the great difficulties of dealing partially with this question, arrived at the conclusion that the only course to be taken was to abolish the purchase system altogether, and in this they had the authority of the illustrious Duke who sits on the cross-benches. The illustrious Duke, when examined before the Purchase Commission of 1857, said—

"I should be sorry to see any partial change adopted; I think that any change should comprise the whole question, so that there might be security to the officers of the Army, for any partial change would lead to doubt and uncertainty."

The same question will probably be asked now which was put to me by the noble Earl on the cross-benches (Earl Grey) when the Army Enlistment Bill was introduced last year—Why is it necessary to come to Parliament to abolish purchase? It is not necessary to come to Parliament to abolish the purchase system. By the Act of 1809, purchase became penal, except so far as "fixed by regulations made, or to be made, by the Crown." Regulation prices have always depended upon such regulations, and instances are doubtless in the recollection of many of your

Lordships of those regulations having been altered. Therefore, for the purpose of abolishing purchase, nothing more is required than that the Crown should be advised to cancel the existing regulations, and all purchases of Commissions would at once become illegal. An Act of Parliament is not necessary for the purpose of securing to the officers repayment of the regulation prices. A vote of the House of Commons is sufficient for that purpose. This is proved by a vote having been passed by the House of Commons last year for a similar purpose in respect to certain absorptions of commissions, as well as by the proposal made last year to take a vote to provide for the prices of cornetries and ensigncies. The reasons why the Government have applied to Parliament in relation to the abolition of purchase are these. It is advisable, in their opinion, in a matter of such importance to give a statutory guarantee to the officers who will be affected by the proposed change. It is advisable also to protect officers from prosecution for the illegal acts which have been committed by them up to the present time, although it is hardly likely that anyone would take advantage of the law in that respect. But the main reason for coming to Parliament is to enable a pecuniary indemnity to be given to officers for over-regulation payments. Those payments, however sanctioned by custom, were illegal acts, and Her Majesty's Government desire to obtain for the indemnity the sanction of the same authority which created the illegality—that is, the sanction of the whole Legislature.

The provisions of the Bill with regard to the indemnity are that, excluding any fancy prices given from time to time in special cases, indemnity will be payable to officers precisely under the same conditions, as they would have received their purchase money if purchase had not been abolished, but with better security; for, whereas extra-regulation payments under the old system were exceedingly insecure, the Royal Commission having reported that—

"The circumstances under which the sum so paid is irrecoverable are so various and uncertain that the payment of it, if regarded as an investment, is attended with great risk of loss,"

officers will now obtain a statutory guarantee for the payment of those sums. The cost of abolishing purchase has been

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estimated at a maximum of £8,000,000, which would be spread over 25 years. I believe the officers of the Army regard the provisions of the Bill with respect to indemnity as not only just but liberal on the part of the Government; but a proposal has been made which attracted considerable attention—namely, the proposal to pay the money down to the officers at once by some system of commutation. The present value of all the effective commissions is £10,800,000, and the present value of the sum payable under the Bill—namely, £8,000,000, which would be spread over 25 years—is, in round numbers, £7,000,000. There is, therefore, no difficulty in calculating the rate of commutation; but if the commutation is optional, the public will suffer; if commutation is made compulsory, it cannot be carried out without great injustice to the purchase officers of the Army, for an officer who intends to sell at once would only receive three-fifths of the money which he is now secure of receiving in full. But there is one crowning argument on this matter. How would the non-purchase officers of the Army look upon such an arrangement as that? It would simply be to allow men by the system of purchase to pass over the heads of others, and when they have got all the advantages thereof, to pay them back the money, or part of the money they had spent. Therefore, it appears to me that the proposal to pay compensation at once cannot be adopted; and I am confirmed in that opinion by the discussions in the House of Commons on these proposals, the last of which was negatived without a division. The purchase system being abolished it is absolutely essential that it should be replaced by a system of selection. It has been admitted by all that to abolish the purchase system, and to substitute for it a system of pure seniority, would be of no advantage to the Army or to the public. I will postpone, if your Lordships will allow me, a full explanation of the manner in which the system of selection will be carried out till I describe the plan of Her Majesty's Government. Suffice it now to say that selection must be exercised sufficiently freely to make it certain that no new system of purchase can be established, and it has been stated all through the discussions of this Bill that it is intended to use selection as far as possible with every regard to a due

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preservation of the regimental system of the Army. I will only say further on the subject of selection that it cannot be held that ample materials do not exist for enabling the authorities to exercise selection with a full knowledge of the professional character of the officers. I will quote on that subject an authority which I believe will be as satisfactory to your Lordships as to the Army—that of the illustrious Duke on the cross-benches. In answer to a question put to the illustrious Duke, he said—

“I think, from an inspection of the returns which he receives from officers, if those returns are fairly given, as I apprehend they ought to be and might be, there is no officer in the Army whose professional character the Commander-in-Chief might not and ought not to be acquainted with.”

It has been stated that selection must be either by seniority or favoritism. I have not so low an opinion of public men, or of the other House of Parliament and your Lordships' House, as to believe that those who may be intrusted with such powers will exercise them improperly, or that, if they do so, they will not be called to the Bar of both Houses of Parliament and removed from positions which they would be unworthy to occupy. It has often been alleged that the example of the Navy is sufficient to condemn selection in the Army. On that subject I am glad to have an opportunity of stating my deliberate opinion, because it is a matter of which I have considerable personal knowledge. My father, Sir Francis Baring, was First Lord of the Admiralty. I served in the position of private secretary to my noble Friend the noble Viscount behind me (Viscount Halifax) two years during the time he was First Lord of the Admiralty. I am well acquainted with the officer who succeeded me, Captain Drummond, now Admiral Drummond. I was afterwards a member of the Board of Admiralty under my noble Friend, and subsequently Secretary to the Admiralty under the noble Duke behind me (the Duke of Somerset). And I venture to assert deliberately, and challenge inquiry by anyone who desires to dispute my assertion, that for many years there has been an honest and conscientious exercise of the powers of patronage and selection by successive First Lords of the Admiralty.

Some objections have been raised to the Bill to which I will now shortly reply. It has been stated that by the system of selection and the abolition of purchase the regimental system of the British Army will be destroyed; that the general tone of officers will be lowered; and that, in point of fact, to use the expression of a distinguished statesman, the measure is a "sop to democracy." In order to answer that argument it is necessary to ask what is the regimental system of the British Army? because the term is used in very different senses. If the regimental system means the influence which the officers of the Army possess over the men under their command, to say that the abolition of purchase would destroy the regimental system of the British Army is simply to insult the officers of the Royal Artillery and Royal Engineers, in which the purchase system did not exist, and the whole of the non-purchase officers in the Line. If, on the other hand, it is meant by interference with the regimental system that by selection officers would be introduced from other regiments, the fact is that, under the present system officers are frequently removed from one regiment to another. I have here a calculation which shows how many field officers now serving have remained in the same regiment, and how many have not done so: 80 lieutenant colonels have remained all through in their regiments, and 87 have not; 185 majors have remained in their regiments, and 137 have not. So much for the present time. It is said that the regimental system worked admirably during the Great War. If, therefore, it be essential to the maintenance of the regimental system that officers should command the same regiments in which they have served during the early part of their career, we should expect to find that, 18 years after the close of that war, the general officers of the Army had, as a rule, served in one regiment only. But this is not the case. From the Report of the Committee on Garrison Appointments (1833), it appears that out of 52 officers of the highest distinction, 12 had served in one regiment, 4 in two regiments, 8 in three regiments, 9 in four, 11 in five, 4 in six, 3 in seven, and 1 in nine. It is therefore clear that such transfers were not, and are not, inconsistent with the maintenance of the regimental system. Moreover, the abolition

of purchase, by taking away the inducement now given to officers to exchange, for the sake of getting into a regiment where there is a better prospect of promotion by purchase will so far tend to decrease the number of transfers. The social aspect of the regimental system is no doubt admirable in many respects, but have your Lordships heard nothing of the extravagant habits of some regiments, and the ruin which is brought upon young men who enter them and obtain money from a low class of moneylenders, who know that they have the security provided by the purchase system of the value of an officer's commission? A great point has been made in the discussion of this Bill in the other House of Parliament of the fact that the Secretary of State has declined to produce an estimate of the cost of retirement. The Secretary of State declined to produce an estimate only because he had no data on which an estimate could be made. It is impossible to say what will be the precise effect of the abolition of purchase upon the annual number of retirements in the Army, although Her Majesty's Government hope that the result of the abolition of that system will be to cause officers to remain longer in the service than they do at present, and so far some increased retirement will probably become necessary. On the other hand, after the abolition of purchase, officers will be employed more extensively in the Reserve forces, and so create a flow of promotion. This point I will further explain when I come to deal with the plan of Army re-organization proposed by Her Majesty's Government, my present object being to show that any attempt to furnish an estimate of the probable number of retirements under the new system would merely mislead the public. But although the Government are unable to furnish such an estimate of their own, it has been possible for them to investigate the calculations furnished by others. According to the estimate put forward in the House of Commons by Sir Percy Herbert, the annual cost of retiring allowances to be entailed upon the country by the abolition of purchase would be £1,977,000; but even admitting his data to be correct, which assume that the rate of retirement from the Army under the new system would be no faster than that which now exists in the Navy, the esti-

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mate, on examination, was reduced to £727,638. Taking into consideration the fact that the officers of the Army have no less a capital than £6,000,000 tied up in the purchase system, and taking the whole non-effective cost of the Army together, there is no good reason to apprehend that the whole cost of the non-effective Votes for the Army under the new system will ultimately be greater than it is at present. As to the immediate necessity for a plan of retirement, it is obvious that for the next three or four years no new system is required, because the inducements now offered by the purchase system will remain in force, and indeed will be even greater than now, because officers, instead of having to wait until they can find some person willing to purchase their commissions, will find a ready purchaser in the Government. In my opinion it would have been most unwise for the Government to have attempted to lay down any cut-and-dried scheme of retirement, and the more so as we know that the system of retirement in the Navy has had to be frequently changed in order to suit circumstances as they arose. It seems to me that no more could be said than has been often said by the Secretary of State—namely, that a reasonable rate of promotion will be ensured by such retirements as may be found necessary for the purpose.

My Lords, I have now brought to a conclusion the remarks I have to make in reference to that part of the Bill which deals with the abolition of purchase; but I will venture to address one remark to those noble Lords—of whom I cannot conceal from myself that there are many—who regret that Her Majesty's Government have decided to propose the abolition of purchase in the Army, but who feel at the same time that, from the various circumstances of the case, it is impossible to prevent that conclusion, and that, to use a current expression, the system of purchase is doomed. This is, I believe, the general feeling not only of the public but of the officers of the Army themselves. I desire to ask noble Lords, who hold that opinion, whether it is wise further to postpone the settlement of this question? Is it wise as regards the public interests—is it just towards the officers? It must be remembered that over-regulation prices depend, like all similar trans-

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actions, upon confidence, and if that confidence is shaken over-regulation prices must simply disappear. And, lastly, I ask in all seriousness those noble Lords who entertain the opinion that purchase is doomed, whether they do not think there will be great risk and danger in allowing this question to remain unsettled—I will not say to the discipline of the Army, because it stands far too high to be affected—to be shaken even—by any such circumstances; but that irritation, uncertainty, and dissatisfaction may arise through all ranks of the purchase officers of the Army.

It now becomes my duty briefly to notice the other provisions of the Bill. Those provisions have doubtless been less discussed than that which relates to the abolition of purchase, but not because they are of small importance. Her Majesty's Government attach considerable importance to the provisions contained in the 6th clause, which re-invests the Crown with the powers over the Militia now delegated by statute to Her Majesty's Lieutenants of counties. I need scarcely say that this change in the law has not been proposed with the slightest intention to detract from the high positions of the Lords Lieutenant of counties, nor because they have in any way improperly discharged the duties which have been imposed upon them. It has, however, been felt that the old constitutional doctrine that the Militia is to be a force entirely distinct from the Line, and under separate civilian command, must be set aside, and that the force must, as far as possible, be connected with the Regular Army. Under these circumstances, it is necessary that the command over the Militia should be transferred from the Lords Lieutenant of counties to the Crown. Lords Lieutenant will, however, be consulted with respect to appointments to first commissions in the Militia. It is further the intention of Her Majesty's Government to take advantage in future of the advice and assistance of the Lords Lieutenant in dealing with many branches of the auxiliary forces, and they are anxious it should be clearly understood that it is merely the statutory powers of those officers that are intended to be withdrawn. The next important clause in the Bill is that which repeals the restrictions placed upon the numbers of the Militia, which hereafter will be

fixed annually by Parliament. If this clause does not meet with the sanction of Parliament great inconvenience will arise, because the limits of the numbers of the Militia have been very nearly reached already. The next clause in the Bill is that which places the Volunteer force under the Mutiny Act, when assembled for the purpose of being trained and exercised with the Militia or the Regular forces. I believe that, notwithstanding a small amount of opposition which this clause met with in the other House, it has been accepted generally by the Volunteer force, not as placing them in an inferior position, but as placing them on a par with the Yeomanry Militia and the Regular forces. It is evident that it would be impossible to bring the Volunteer force into intimate connection with the other forces, in such cases, for instance, as during the manoeuvres that are to take place in the course of the autumn, unless some such provision as that to which I refer is agreed to, otherwise the discipline of the Volunteers would depend upon the discretion of the commanding officers of each separate battalion or corps. By Clause 16 power is taken by the Government, on occasion of emergency, to take possession of the railroads, and I need not discuss this provision at length, inasmuch as it has received the assent of the great companies.

I have now concluded my observations with regard to the provisions of the Bill; but, as many observations have been made to the effect that no general plan of re-organization of the Army has been stated by the Government, I feel it absolutely necessary, especially in view of the Notice of Amendment that has been placed upon the Paper, to state as shortly as I can the general outline of the scheme of the Government. The foundation of their plan of re-organization was laid down by the War Office Act of 1870, by which Act, and by the subsequent Orders in Council, for the first time, in my opinion, the organization of the various Departments of the Army were established upon a sound basis. The way for further changes has been prepared by diminishing the colonial service, by which a much larger number of battalions are retained in this country; by improvements in the condition of the soldier and in the system of recruiting; by the Army Enlistment

Act of last Session, which established the system of short service in the Army; by which, in the opinion of the Government, an efficient Reserve of trained men can only be obtained; and by a substantial increase of the Royal Artillery, it being one of the objects of the Government to maintain the scientific services on a higher comparative scale of numbers than the rest of the Army during peace. The number of field guns have been doubled, and we shall now possess a force of artillery sufficient for 150,000 men, besides 5,000 garrison artillerymen, supported by nearly 50,000 Militia and Volunteer artillerymen. Another step will be taken by the proposed camp of instruction in the autumn, on the system which has been pursued with such advantage in Prussia, where the Reserved forces will be brought into intimate communication with the Regular forces. Although not included in the present Bill, it is necessary for me to mention these important points, which are prominent features in the scheme of the Government. I will now proceed to describe the plan which the Government propose to carry out under the powers which this Bill would confer. First commissions will be obtained—first, by competitive examination, to the rank of cadet. The cadets, when they have been some time with their regiments, will undergo a course of military instruction at the Royal Military College at Sandhurst. This is a slight variation from the plan announced by the Secretary of State for War in introducing the Army Estimates in the House of Commons, on the 16th of February last, when he stated that admissions into Sandhurst would be obtained by competitive examination; it being found that it is better that these young men should be subjected to the discipline of the service for some time before they were sent to that College. Many of your Lordships are aware that this plan has been carried out with great success in the Prussian Army. Commissions will also be given to a certain number of non-commissioned officers, to a certain number of Militia subalterns, who have undergone two trainings, who are recommended by their commanding officers and approved by the colonel of the Staff of the district, and who pass a professional examination; a certain number of commissions will also be given to properly qualified members of the Universities.

[Second Reading—First Night.]

First commissions in the Militia will be given by the Crown after consultation with the Lords Lieutenant of the counties. Promotion in the Army will be by selection, sufficient uncertainty being introduced into the system to prevent illegal practices, but due regard being had to regimental considerations. The rank of cornet and ensign will be abolished; promotions from lieutenancies to captaincies will be mainly regimental, those from captaincies to majorities, and from majorities to lieutenant colonelcies will be mainly Army promotions, due regard being had to regulate them as far as possible in accordance with regimental considerations. In all cases the successors of the officers retiring will not be known until the vacancies are entirely complete. The promotions will be made by the Commander-in-Chief, with the approval of the Secretary of State for War, in accordance with the Order in Council fixing the duties of the Commander-in-Chief. The character of the office of Military Secretary will be altered and made of greater importance and of limited duration. The reports of inspecting officers will be made more complete, and tabulated and recorded in the office of the Military Secretary, and reports against officers will be communicated to them. The appointments of field officers will be limited to five years; they will be renewed if considered advisable; but there will be a limit of age for these appointments. As I have already stated, the rapidity of promotion will be maintained at about its present rate by the adoption of a system of retirement if necessary. Promotions in the Militia will be regulated by the same principles, the Inspector General of the Reserve forces being consulted with reference to such promotions. There will also be a limit of age with regard to the officers in the auxiliary forces, and no officer will be allowed to hold more than one effective commission. In dealing with the constitution of the infantry, it is intended to increase the number of *cadres* of officers with the view of having regiments of more than one battalion, which process will be carried out, as far as possible, without destroying the *esprit de corps* of existing regiments. It has been determined to create a local connection between the Army and the Militia regiments, and, as far as possible, to recruit

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regiments from particular districts. The recruits of both forces will be trained together, and the Militia recruits will receive a longer training than they now receive. And here I may be permitted to supply an omission in an earlier part of my observations, by saying that, with the exception of the two main points of the scheme, the Government attach greater importance to the extension of the time for the training of the Militia than to any other part of their proposals. It is clear that if we can get the stout agricultural labourer, and give him three months' training in the first place, and one month every subsequent time he is called out, we shall be able to convert him into a very good soldier. Therefore, we entertain, in common with many Militia officers, high expectations from the extension of the training for the Militia. These expectations are not merely theoretical, because this year we have extended the training of recruits for the Militia from a fortnight to a month, and there has been a very marked difference in the efficiency of the regiments in consequence even of that small increase. We think, also, that the general views of my noble and gallant Friend (Lord Sandhurst), that the Line should be recruited from the Militia, may, to a considerable extent, be found practicable and expedient; and what encourages us to believe that Militiamen will be found ready to join their county regiment of the Line in considerable numbers is the fact that up to the present time, when the training for the Militia has not been concluded, and the Returns are therefore incomplete, nearly 5,000 recruits have joined the Line from the Militia since this time last year. As part of the same system of combining the Regular Army and the Militia, Line officers will be appointed as adjutants of Militia, and will hold their appointments for five years, renewable, however, if specially recommended. They will be supernumerary in their regiments. In making appointments of adjutants, there is every intention to consult the wishes of the commanding officers of Militia regiments, because those officers, having so much to depend upon their adjutants, it will be unwise to neglect their reasonable wishes in regard to the selection. Existing adjutants will not be interfered with, but will remain in their positions as long as they are active and

efficient. Officers of the Line will be allowed to go upon half-pay after comparatively short service, on condition of their serving in the Militia. The Line regiment of the county will also assist the Militia regiment with non-commissioned officers if required; and the amalgamation between the Line and the Militia will be gradually made as complete as it can be with advantage to both forces. The military districts have already been divided into sub-districts, and a colonel on the Staff will be appointed in each sub-district to have general charge of its auxiliary forces. These officers have been already selected, and their appointments are only waiting until the Bill becomes law, because obviously none of these arrangements can be carried out as long as the command of the Militia remains in the hands of the Lords Lieutenant. The Militia Reserve of the sub-district will, as a general rule, in the event of war, be draughted to the regiment of the same sub-district, though from the exigencies of the service, it may not be possible to do so in all cases. This is an outline of the mode in which it is proposed to localize regiments of the Line to a certain extent and amalgamate them with the Militia. It is, however, impossible in this country, and with our Army, to adopt the Prussian system, under which a regiment is localized and used as a tactical unit—that is to say, it goes into the field as a regiment of three battalions, an arrangement which is feasible in Prussia, where there is no foreign service, but with us impracticable, because one of the battalions comprising the regiment will usually be abroad. The Militia and Volunteer Artillery will be placed under the command of lieutenant colonels of the Royal Artillery, who will supervise their instruction, and bring them, as far as possible, into the general system of the Royal Artillery—that magnificent regiment with which they will, I know, be proud to be united by closer bonds. The adjutants of Volunteers will be appointed on the same conditions as those of the Militia. A stricter system of inspection will be carried out in respect to the Volunteers, whose officers, after a limited time, will be required to show that they are thoroughly acquainted with their duties.

I have spoken at greater length than I wished, because I have felt myself bound

to meet the assertion—never yet supported by argument—that no plan has been proposed by the Government of the measures they intend to carry out, supposing this Bill to become law. Hardly a word that I have uttered from the beginning to the end of the scheme that I have just explained, with the single exception of the proposal as to the cadets at Sandhurst, was not contained in the statement made by my right hon. Friend the Secretary of State for War, on the 16th of February last in the other House of Parliament, and repeated from time to time during the progress of discussion there. There are none so deaf as those who will not hear; and when I remember how it has been over and over again repeated that the Government have no plan, and that the questions put to them on that subject have never been answered, I cannot help thinking that those who say so must be “as deaf as Ailsa Craig.” To go into further details seems to me neither to be necessary nor, in some cases, is it possible, for in these complicated arrangements difficulties constantly present themselves which require careful consideration, and to be met from day to day as they arise; and I contend that the plan of the Government has been explained as completely as the nature of the case admits. The whole scheme is based upon the position that it is undesirable to introduce compulsory service if, as Her Majesty’s Government hope, the voluntary system will suffice for the maintenance of an adequate force, and that it would be unwise to do as some have suggested—disband the Militia and dismiss the Volunteers. I hope the Government will be met in this House by serious criticisms and by alternative proposals, which may be contrasted with these measures, which I can assure your Lordships have been considered with a deep sense of responsibility, and which we shall proceed steadily and vigorously to carry into effect as soon as the Bill, of which I now beg to move the second reading, shall have passed into law.

Moved, “That the Bill be now read 2^d.”
—(*The Lord Northbrook*.)

THE DUKE OF RICHMOND: My Lords, I can assure your Lordships that I approach this subject with feeling of the deepest anxiety, on account of the

[*Second Reading—First Night*.]

great interests that are involved in the measure which is now before your Lordships' House, and also because I consider the subject is one we cannot deal with otherwise than with the gravest and most serious deliberation. My Lords, in the outset I at once claim for myself, and for those who act with me, that your Lordships will do us the justice to believe that in adopting the course we take upon the present occasion we are actuated only by the most patriotic and conscientious motives; and at the same time we desire to assure Her Majesty's Government that we give them full credit for being urged by no other motive than the most sincere desire to promote the honour and glory of the country, though we think the mode in which they seek to arrive at that object is not one which should commend itself to our approbation.

My Lords, with regard to the concluding remarks of the noble Lord the Under Secretary for War, I cannot help characterizing them as altogether outside of the Bill now under discussion; they were a mass of details of a general scheme connected by no link whatever; they were the general views entertained by the noble Lord himself as to the various modes of meeting the difficulties of the case. The noble Lord told us how the education of officers was to be conducted—as to which I did not quite follow him; he told us that non-commissioned officers were to be sent from the Line to the Militia, but he did not condescend to particulars as to how such an operation would be carried out. In short, the whole of the noble Lord's concluding remarks indicated some large scheme; but, being made up of a mass of details, and those details were not shown clearly to your Lordships, I must decline to enter into that part of the noble Lord's speech. I will at once address myself to the measure now under consideration. And in doing so I would venture to ask your Lordships to consider what was the condition of things in the course of last year, when the attention of everyone was called to the military position of the country. My Lords, a tremendous war—a war which I may say paralyzed everyone in this country with amazement—broke out in the centre of Europe, almost at the very time that the noble Earl the Secretary of State for Foreign Affairs told us there was not a cloud in the political horizon of the whole world. Shortly after that assur-

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ance of the noble Earl the war was declared. The position of things in Europe appeared to be so grave, and of such consequence, that the noble Earl (Earl Russell), who is now sitting at the Table, thought it right to bring forward, upon his own responsibility, a measure dealing with the Militia of the country. My Lords, Her Majesty's Ministers, though they had previously reduced the standing Army of this country to a considerable extent, thought it right—and in that course they were backed by both Houses of Parliament—to make a very large addition to our military forces. I hope your Lordships will not forget that this subject of the war then pending on the Continent was discussed at every public meeting and by every private person throughout the kingdom. Therefore it was not astonishing to find that, at the commencement of the Session of Parliament, the subject was referred to in Her Majesty's Speech from the Throne. The noble Lord (Lord Northbrook), in his introduction of this measure, told us these are matters which do not find a place in Acts of Parliament. If that is so, I want to know what is the meaning of the paragraph in Her Majesty's Speech from the Throne at the opening of Parliament last February which says—

"The lessons of military experience afforded by the present war have been numerous and important. The time appears appropriate for turning such lessons to account by efforts more decisive than heretofore at practical improvement. In attempting this you will not fail to bear in mind the special features in the position of this country, so favourable to the freedom and security of the people, and if the changes from a less to a more effective and elastic system of defensive military preparation shall be found to involve, at least for a time, an increase of various charges, your prudence and patriotism will not grudge the cost, as long as you are satisfied that the end is important, and the means judicious. No time will be lost in laying before you a Bill for the better regulation of the Army and the auxiliary land forces of the Crown, and I hardly need commend it to your anxious and impartial consideration."

What, then, becomes of the assertion that these are not matters to find a place in Acts of Parliament—because the only object of that passage in the Queen's Speech was that they should find a place in an Act of Parliament? Then, explaining that Bill on February 16 in the other House, the right hon. Gentleman the Secretary of State for War said—

"Events have occurred in Europe of so marvellous a character that I think it no exaggeration to say they have no parallel in the records of

history from the pages of Herodotus to those of Sir William Napier. These events have excited in the minds of the English people an anxious interest and a settled purpose to review their own military institutions, for the purpose of placing them on a basis of permanent security. . . . Our more grateful, but not, perhaps, necessarily easier task is to combine in one harmonious whole institutions which have great excellencies, but which require considerable improvement in order to bring them up to the requirements of the time. . . ."

And he winds up by saying—

"It is the opinion of the Government that, if we are to deal at all with a question of this magnitude and importance, we ought not to deal with it in a superficial and partial manner, but ought to take a broad and comprehensive review of the subject, and endeavour to lay the deep foundations of a system which may render danger or the apprehension of danger in the future altogether unknown."—[3 *Hansard*, civ. 327-8.]

These, then, being the views entertained by the Secretary of State for War, what I want to ask your Lordships is, whether the measure introduced by the right hon. Gentleman on behalf of the Government, is a large and comprehensive scheme? We have had a description of the measure from a journal not unfavourable to the Government. *The Times* of March 27 says—

"It may be as well, perhaps, to state again in plain words what this Bill will do for us, and what it will leave undone. It will give us an Army of Regular soldiers competent to encounter any invading force, the whole of this Army being so efficiently organized and equipped that it can take the field at any moment. Practically, therefore, our available strength in this respect will be doubled, for instead of putting only 50,000 men in line we shall be able to put 100,000. The artillery in particular will be so largely increased that, instead of 180 field guns, we shall have 336, all horsed and manned. In support of this active force we shall have the auxiliary forces of the Militia and Volunteers. The Militia will be raised by an addition of 45,000 men to a total strength of 139,000, and the quality of the force will be improved by an extension of preliminary training as well as annual drill. Arrangements are made for the instruction of Militia and Volunteer officers at camps of exercise, and all establishments together will be so organized as to facilitate a flow of officers from one service to the other, and of soldiers from the active Army to the Reserve. . . . That, as regards immediate results, is a fair description of Mr. Cardwell's Bill."

I want to ask noble Lords opposite whether they can conscientiously say that this is contained within the four corners of the present Bill. That is my case;—this Bill, which is supposed to provide for all those contingencies, is a Bill for the abolition of purchase and for the abolition of purchase alone;—because I

put aside the clause relating to the transfer of the powers of Lords Lieutenant of counties to the Crown in regard to the Militia—and I say that such a Bill does not come up to the character given to it by the Secretary of State for War when he called it a large and comprehensive measure. I will appeal to the noble Lord opposite (Lord Northbrook), who is candid on all occasions, whether, after the paragraph which I have quoted from Her Majesty's Speech on opening Parliament, and after the speech afterwards made in the other House by the Secretary of State for War, he thinks the Government have redeemed their promises and declarations in a manner which can secure the confidence of the country?

Now, my Lords, I am not about to defend the theory of the purchase system nor the vested interests of this or that class of officers; but I propose to show your Lordships that purchase is a very different thing from what has been alleged, and has done a great deal more for this country than the noble Lord opposite was willing to allow when he described it as a "spider's web of vested interests." My Lords, the system of purchase is a system of retirement—a system of retirement provided by the officers themselves at no cost whatever to the country—one by means of which a constant and steady flow of promotion is maintained, and by which also we have now in the British Army a set of officers who, taking their average age, are younger than those of any other Army in the world. I can hardly think the noble Lord was speaking seriously when he said that the evils of the purchase system were shown by the fact that young officers, on obtaining their commissions, receive a number of letters from moneylenders. I confess I cannot see the connection which the noble Lord would indicate by this remark. If you look into the Civil Service you will probably find that a large number of letters from money-lending lawyers are circulated among the clerks of the different departments; I may go further—at some of our public schools and at the Universities, where your Lordships' sons are educated, a very similar state of things would, I believe, be found to prevail if the noble Lord would make inquiries into the subject. Therefore, it is unfair to attribute that evil to the existence of

the system of purchase, with which it has no necessary connection. As I have said, purchase is a system of retirement by which the flow of promotion is kept up:—I may add, it is a system by means of which the country has received very large sums of money from time to time, and the retirement of officers has been effected. Since the year 1841 the Government has received, through the Reserve Fund, no less than £1,712,000; out of which sum they have expended £115,000; and there is a balance unaccounted for in the hands of the Government of £824,000, which has been entirely provided by the sale of officers' commissions. I have no difficulty in saying that if a better system could be found, I would not object to the abolition of purchase; but I object most strongly to the abolition of a system which, in my opinion, has worked well, unless we have before us something better to substitute for it. It has often been said that the purchase system is a system which benefits the rich men in the Army at the expense of the poor men. I have heard it stated that it is an aristocratic service, and that those who have money get on, and that those who have not do not. But, my Lords, this is not the case. I would venture to ask your Lordships to peruse the statistics produced before the Committee on Purchase and Retirement, and say whether they support this view, and whether they do not show that, so far from the purchase officers benefiting by the system, the benefit really accrues to the non-purchase officers. The evidence given before the Committee shows that officers who had reached the rank of lieutenant colonel without purchase numbered 83, as against 70 by purchase; it also shows that while it took a purchase officer 22 years and four months to get his lieutenant colonelcy, the non-purchase officer succeeded in 25 years; so that he was only two years and eight months behind in point of time, and having reached that position he is able to retire on half-pay and with a good purse, without having expended a single farthing upon the system by which it was raised. Lieutenant Biddulph, who gave evidence before the Over Regulation Commission some 12 years ago—I think in 1858—stated the case very clearly when he said that the condition of a non-purchase officer in a purchase corps was

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far better than the position of any officer in non-purchase corps, and he based his opinion upon his own experience in the 19th Hussars, a non-purchase regiment. Purchase, in fact, clears the way for the non-purchase officer, who, although he might be slow in procuring promotion in the lower ranks of the service, rises rapidly in the higher ranks and finds himself only two years and eight months behind in the end. The Secretary of State for War said that henceforth promotion would be by merit and not by money—a statement much to be deplored considering its source, because if it means anything it means that now promotion is by money and not by merit. I say that that is contrary to the fact. [“Hear, hear!”] Why, at this very moment, according to the admission of the noble Lord, promotion by selection exists in the Army to a very great extent. [Lord NORTHBROOK dissented.] I understood the noble Lord to say that officers went from one regiment to another. [Lord NORTHBROOK: By exchange.] And is there no selection in such cases—is there no veto, and has there not always been such a veto? The subject is evidently much misunderstood. Upon no subject is the country so misinformed. I have heard of a case in which a gentleman wrote to an Army agent for his list of prices in the Artillery, Cavalry, and Infantry, and to give him an idea of his requirements, added that he should like to begin with a captaincy in the Guards. It is perfectly well known to everyone conversant with the subject that if a senior captain or any other officer is incompetent to get his majority, or that it would not be for the interest of the regiment that the major should get his regiment, the fact was known at the Horse Guards; that officer would be informed or become acquainted with the fact that he would probably not be recommended for promotion; he would accordingly sell out, and nobody would hear anything more about him. I say, therefore, that at present selection is practised at the Horse Guards. Lord FitzRoy Somerset, giving evidence before a Royal Commission presided over by the Duke of Wellington, said it was the rule at that time, and that a case was at that moment pending. The custom is therefore of long standing, and it is wrong to say that at the present moment money and not merit regulates

promotion. My Lords, I do not know what you are going to substitute for purchase, and what is more, you do not know yourselves; and therefore, unless you can show me a system by which you can have selection, impartially taking the place of the present, I must decline to read this Bill a second time.

My Lords, I attribute nothing bad whatever to the motives of the present Government. Mr. Cardwell, however, seems to think his plan, as far as he has described it, a novelty in the administration of the Army, for on the 16th of February he said—

“To secure fairness of promotion, the reports of general officers inspecting will be furnished in greater completeness to the General Commanding-in-Chief, and be tabulated and recorded in the office of the Military Secretary.”

These reports, however, are made now.

“These will form the basis for selection according to the regulations about to be laid down.”

Are they laid down?

“But I will not enter into details upon the mode in which security is to be afforded to the Army for the impartiality and fairness of promotion, because the matter is still being carefully considered by some of the most eminent officers in the Army.”—[3 *Hansard*, civ. 346.]

The Government is therefore uncertain whether it can carry out its scheme with impartiality and fairness, and yet it does not hesitate to ask for authority to introduce it—an authority which—under the circumstances, I cannot endorse. The noble Lord (Lord Northbrook) in the course of his remarks has, no doubt unintentionally—cast a slur upon the Army when he spoke of the impossibility of securing “professional officers” under the present system. What the noble Lord meant by “professional officers” it is difficult to say. Was the Duke of Wellington a professional officer? Did Lord Clyde come within the description? or does it embrace Sir Henry Havelock, Lord Hardinge, Lord Hill, Sir Hussey Vivian, or Sir James Outram? If these commanders come within the description, why is it thought necessary to change a system which has produced such men? Why do you want to alter the character of the men who are to lead your Armies? No doubt it would be advisable to provide better means for instructing officers; but this is a very different thing from upsetting the whole system. What is required of an officer? Not merely to storm a redan and to take part in opera-

tions in the field. The way to test the quality of the British officer is first to settle what is required of him, and then to see how far he fulfils those requirements. This can be done by the mouth of two unimpeachable witnesses. In the first place, the Duke of Wellington, in a letter to Lord Hill in 1833, described what was required in the British officer in these words—

“From the moment at which the officer enters His Majesty’s service till he attains the rank of general officer he must be prepared to serve in all climates, in all seasons, in all situations, and under every possible difficulty and disadvantage. There is no peace or repose for him, excepting that some powerful party in the State should think that his services can be dispensed with, in which case he will be put upon half-pay. While thus serving, he must perform all the duties required of him. He must be in turns gaoler, police-officer, magistrate, Judge, and jury. Whether in peace or war, in the transport in charge of convicts, or acting as a magistrate, or sitting in judgment, or as jurymen, or engaged in the more active duties of his profession in the field, either against the internal rebel or the foreign enemy, he must never make a mistake, he must never cease to be the officer and the gentleman; cheerful, obedient, subordinate to his superiors, yet maintaining discipline, and securing the affection and attachment of his inferiors and of the soldiers placed under his command, upon his scanty allowances—so small, in some instances (that of lieutenants and ensigns of the three regiments of Foot Guards as one), as not to be sufficient to pay for his lodgings.”

Such is the character of the British officer who is not the “professional” officer. As to his efficiency, testimony has been given by the Royal Commission presided over by the Duke of Wellington in 1840 in the following words:—

“The general efficiency of the Army, as shown in the returns previously quoted, fully justifies these opinions. It is manifested in those returns that by far the largest portion of officers are perfectly qualified for their duties; and it is equally apparent that this efficiency is maintained by the system of purchase. In fact, it should be remembered by those disposed to cavil at the system that the British Army, except for the very short interval in William III.’s time, has never known any other; and, whatever may have been the triumphs or glories that Army has achieved during the last 150 years, they have been secured by an Army commanded by officers, a large proportion of whom have obtained some advancement by the system.”

I am prepared to rest the character of the British officer upon those statements, and to assert that the present system having brought the Army to this point, it should not be abandoned for an uncertainty.

3 E 2 [*Second Reading*—First Night.

My Lords, the noble Lord, as I expected, touched upon the question of retirement; and, notwithstanding it is really a very material point, he dealt with it but lightly. It is an essential part of the scheme—you must meet the difficulty—you must provide for the retirement of officers. They now provide it for themselves, and by means of purchase keep up a constant and rapid flow of promotion. The noble Lord alluded to the condition of a non-purchase corps—one of the scientific corps of the Army—the Royal Artillery. But surely the noble Lord must be aware that very great complaints are made on account of the block in promotion existing in that corps? And it was well known that, in 1800, when the Great War was about to commence, the senior officers of the Royal Artillery were so old that the charge of the corps had to be put into the hands of a captain (Sir Alexander Dixon). This was the Utopia of non-purchase which the noble Lord asked the House to inaugurate.

EARL GRANVILLE: That was the result of promotion by seniority.

THE DUKE OF RICHMOND: I understand the proposal is to introduce a system of promotion by seniority tempered by selection.

LORD NORTHBROOK said, he had used no such words.

THE DUKE OF RICHMOND: I should be very sorry to misquote the noble Lord; but I certainly understood him so. At any rate, if they are not the words of the noble Lord, they were the words of the Financial Secretary to the War Office. And what does the Duke of Wellington say of this system? I ask your Lordships' attention to a Memorandum by the Duke of Wellington, the object of which was to accelerate promotion by permitting the sale of commissions. The Duke said—

"It is adopted at present solely with the view of remedying an existing inconvenience and evil, and no officer is to consider himself in future entitled to found upon this arrangement any claim to sell his commission.

In *The Gazette* of the 17th of June, 1828, is to be found a specimen case showing how the sale of a commission remedied the evils resulting from a block. It is there stated that Lieutenant Colonel E. P. Wilgness, then on full-pay of the Royal Artillery, was allowed to sell his commission, receiving £4,500, the regu-

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lation price of a lieutenant colonelcy, which was made up in the following manner:—Major Drummond, 4th Foot, promoted to unattached lieutenant colonelcy, paying the regulated difference of £1,300, the succession going in the regiment; Captain Mackenzie paying for the majority, £1,400; Lieutenant Williams, for the company, £1,100; Ensign Brooke, for the lieutenantancy, £250; Mr. Haley, for the ensigncy, £450. Between 1823 and 1828 41 officers of the Royal Artillery were allowed to sell their commissions, in order to relieve the block then existing in that corps. Captains, brevet-majors, and lieutenant colonels were allowed to sell, some having previously retired on half-pay; but many, as in the case of Lieutenant Colonel Wilgness, were allowed to sell direct from full-pay of the Royal Artillery. What could have been done at that time if there had been no purchase system to relieve the block in the Artillery? The noble Lord (Lord Northbrook) has also dealt cautiously with the scheme of retirement; but in the absence of anything like statistics from the Government, I have been obliged to form my own calculation of what the cost of a system of retirement will be. Taking the Royal Marines, I find that the retirement for 500 officers costs £60,000 a-year. Taking the number of our officers at £6,000, I presume the cost of retiring them will be about £800,000 a-year. That is a moderate calculation, and it tallies pretty well with a calculation by the Financial Secretary to the War Office (Captain Vivian), made before he took office; and although the hon. and gallant Gentleman has seen cause to moderate his estimate, probably from something he discovered in the archives of the Department, I know he has been chosen for his present position as much for his ability as a financier as for his military experience, and therefore I take his calculation as tolerably accurate. Captain Vivian, on the 19th of May, 1868, concluded his computation as follows:—

"Therefore, the House must be prepared, not in the course of a generation, but at most in 20 years, to spend first of all £10,000,000 in round figures to buy out the vested interests of the Army."

LORD NORTHBROOK: £8,000,000.

THE DUKE OF RICHMOND: But that is not what the present Financial Secretary of the War Department said it would cost.

"But that was not all it would cost them to get rid of purchase, for they would have to revise their whole system of retirement. Officers in purchase corps were now entitled to retire on half-pay after 25 years' service; but in the Committee of which he had been a member it was suggested, as the only means of increasing the flow of promotion, that officers in non-purchase corps should be able to retire on full-pay after 22 years' service. Then, in addition to paying the sums he had already stated, they would have to provide for a system of retirement on full-pay after 22 years' service, instead of on half-pay after 25 years' service. What that would cost, he was not in a position to say; but he thought he was much below the mark when he said that, besides the £500,000 that would be added to the Estimates for 20 years at least, they would have to pay £1,000,000 a-year for ever, or, in other words, an additional 1*d.* of income tax for ever."

A pleasant reflection for the ratepayer!

"Surely it was idle complaining of the extravagance of the Estimates if, in the pursuit of a chimera, they were to saddle the country with that increased expenditure."—[3 *Hansard*, cxvii. 537.]

That is precisely what I complain of on behalf of the country—the Government is about to saddle the country with an unknown expenditure in the pursuit of a chimera. No doubt the money will be forthcoming; but is it well to increase the ordinary charge for the Army by unnecessary expenditure, considering it will add to the difficulties which in the future will attend the raising of any additional sum of money absolutely necessary for increasing the efficiency of the Army and Navy. Your Lordships ought to look at this matter as commercial men, and I ask you whether a commercial man would embark in an expenditure the result of which he did not know, and without being able to ascertain where he would be landed, or whether he would get any return for his money or no? Unless there be some better system shown to me which can take its place, I shall look upon the abolition of purchase as, in commercial language, "a bad investment." The noble Lord (Lord Northbrook) says it is impossible to carry out a system for the amalgamation of the Regular Army with the Reserve forces without abolishing purchase. But I cannot see how purchase stands in the way. The noble Lord says that the scheme will put the officers of the Regular forces into the Militia—how is that to be done? Is the senior captain of the Rifle Brigade to be attached for six weeks to the Middlesex Militia? Will he do it willingly? To put all the most efficient

officers into the Militia would be to injure the Army; and to transfer officers of the Militia into the Line would do no good to that branch of the Reserve forces. Is the noble Lord correct in saying that there is no military element in the Militia now? It has been argued that the abolition of the purchase system in the Army is a necessary preliminary to the amalgamation of the Reserve forces with the Army. What is the case at the present moment? At the present moment there are serving in the 99 corps of English Militia 365 officers who have served in the Regular Army. Of the 99 commandants of such corps there are 64 who have served in the Army. There are 39 honorary colonels, of whom 19 have served in the Army. In the Militia of Scotland there are 16 corps in which there are 48 officers who have served in the Army. Of the 16 commandants of those corps there are 10 who have served in the Army; there are five honorary colonels, of whom four have served in the Army. As regards the Militia of Ireland, there are 44 corps, in which there are 127 officers who have served in the Army. Of the 44 commandants of corps there are 33 who have served in the Army. There are 25 honorary colonels, of whom 10 have served in the Army. The total shows that there are 584 officers serving in the Militias of England, Scotland, and Ireland, who have served in the Regular Army, and there are 159 commandants of corps, of whom 107 have served in the Regular Army, under the system of purchase. It is therefore conveying a wrong impression to say that the abolition of purchase is required to get officers of the Regular Army into the Militia. But take the other case. Is it to be said that Militia officers cannot be put into the Line unless you abolish purchase? Noble Lords who say that must have forgotten what happened in the Crimean War and at the time of the Indian Mutiny. Was it not a notorious fact that during the Crimean War a Militia officer who could raise 100 men at once obtained a commission in the Line? And the same thing, I am reminded, took place during the Indian Mutiny. I cannot admit that in order to carry out the scheme of the Government it is necessary to abolish purchase; and if such abolition is necessary in order to put both the Regular and the Reserve forces of the country

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into a satisfactory state, how are the Government going to do it? According to their actuarial return, they could only abolish purchase by the year 1906. The fact is that all these arrangements which have been shadowed forth by the Government have begun at the wrong end; for if instead of abolishing the purchase system and dealing with the officers they had devoted themselves to improve the condition of the soldier, they would have rendered a greater service to the country and have had a much better prospect of a successful result. If they applied the £8,000,000 which the extinction of purchase would require, and the £700,000 or £800,000 which must be annually spent to keep up the system of retirement to increasing the pay of the men, and giving them better pensions, the Government would be doing better than by paying off the officers. There is great force in what has been said in this House on previous occasions as to the inconvenience and undesirableness of sending out very young soldiers to India and the colonies. If the Government would apply such money as they have at their command to forming second battalions and so feeding the service companies, and retaining men in this country until they are of an age at which they can endure a foreign climate, they would be dealing with this matter in a comprehensive and statesmanlike way. How were the Guards fed during the Crimean War but by the second battalions at home? All that the Government had hitherto done in this matter had been in the wrong direction. Let noble Lords consider the uncertainty of your system of recruiting. Major General Edwards, the Inspector General of Recruiting, in his Report dated 10th of January last, alluded to the Army Enlistment Act, 1870, and remarked—

"The soldier has, therefore, less inducement now to re-engage than formerly, and will not do so unless he is conscious that he could not earn a livelihood in civil life; but he has still, if deserving of it, the option of re-engaging and completing his service to pension."

And describing the changes introduced by that Act, he said—

"The second and most important change is that introduced by the Army Enlistment Act, 1870 (dated the 9th of August), and which was put into force as soon as it could be circulated. By this Act the recruit is enlisted for 12 years, and has the selection of a long service for that period in the Regular Army, or a shorter service

in the Army combined with a service in the Reserve force, the two to complete the 12 years for which he originally enlisted. When a recruit selects the long period of service for 12 years, he may, at a stated time before the expiration of that period, re-engage to complete 21 years."

That was written in January last; but in May it was entirely abrogated by the Government, who, under the Act of 1870, had no right to deprive a recruit of the power of selecting his term of service. But what have you done now? You have inaugurated a new system of recruiting and fixed a term of service for the soldier which will render it perfectly impossible for you to get a single non-commissioned officer; for I appeal to every noble Lord who has been in the Army whether it is not impossible in a term of six years to make a man first of all a soldier, and then a non-commissioned officer. It is notorious that even with the 10 years' service it is difficult in the Guards to get non-commissioned officers; for in its earlier stages the life of a non-commissioned officer is one of great drudgery, and unless the men have a prospect of serving some time and of getting a pension at the end of the service you cannot get the class of men you ought to have for such posts.

My Lords, I have now—no doubt imperfectly—pointed out my reasons for moving the rejection of this measure. I object to it on the part of the Army, because I believe it will not give us that constant, ready, even flow of promotion which we have under the existing system. I protest against it on the part of the taxpayer, because you are going to impose on him a large and unknown expenditure which, up to this time, the officer himself has willingly borne, and which the taxpayer has never been called on to pay; and because you do not show him how, under the new system, he will be so much better circumstanced than under the old one, so as to make it worth his while to pay for it the amount that is required. And, further, I object to the Bill on the part of the country, because the nation has a right to expect that you will bring forward a large, and comprehensive, and statesmanlike scheme, and not a mere fragment of a crude experiment, the result of which you yourselves are utterly unable to predict. I beg to move the Resolution of which I have given Notice.

The Duke of Richmond

Amendment *moved* to leave out from ("That") to the end of the motion for the purpose of inserting the following words:

("This House is unwilling to assent to a second reading of this Bill until it has laid before it, either by Her Majesty's Government or through the medium of an inquiry and report of a Royal Commission, a complete and comprehensive scheme for the first appointment, promotion, and retirement of officers; for the amalgamation of the Regular and Auxiliary Land Forces; and for securing the other changes necessary to place the military system of the country on a sound and efficient basis.")—(*The Duke of Richmond.*)

VISCOUNT MONCK said, he had some difficulty in reconciling the opening sentences of the noble Duke's speech with the Motion with which he had concluded. To say that there had been no full and comprehensive scheme of military reform laid before the House on the part of the Government was to put aside the speech of the noble Lord the Under Secretary for War, and to proceed upon that imaginative basis which had characterized much of the opposition to the measure since its introduction in the House of Commons. The Bill had been denounced as insignificant, as inadequate to the occasion, and as unworthy to be passed, because it did not contain within its four corners the whole scheme propounded by Her Majesty's Government for re-organizing the military forces of the country. The case of the Government was simply this—The Government having planned a scheme of administrative reform of the Army, found in their way certain obstacles which it required the aid of the Legislature to remove; and for their Lordships to hold the Government responsible for the reform of our military administration, and then to reject this Bill, would be as reasonable as to tie a man's legs and then complain that he could not run quickly. What their Lordships had to consider was, whether the purchase system ought to be abolished; and if so, whether the mode proposed in this Bill was fair and reasonable. The noble Duke (the Duke of Richmond) said he was not going to defend the system of purchase; but his whole speech was, if not a defence, at all events, an apology for that system, and a statement of the manifold benefits and great advantages which had accrued to the country from it. As to the system of selection which would come into opera-

tion under this Bill, he (Viscount Monck) joined issue with the noble Duke's statement that that had never been explained, because the whole principle of it was distinctly stated by Mr. Cardwell when he brought the matter forward in February last. For his own part, even if their Lordships had not possessed the information which the Government had furnished, he looked upon the purchase system as so indefensible, so utterly discordant with the principles observed in other branches of the service, and so pernicious to the character of the officers of the Army, that he thought it ought to be abolished, even if he were not so well satisfied with the system proposed to be substituted for it. What had been the effect of the purchase system on the average of professional knowledge among British officers? Obviously it was for the public interest to obtain that system of promotion which would secure the highest average of professional knowledge among the officers. The present system of purchase, coupled with a pass examination, was found by experience to tend to deteriorate the standard of acquirements, there being no inducement to a man to obtain more than the necessary information; but the system of selection necessarily implied competition, which would induce a man to acquire all that he could in order to insure success, and therefore must tend to raise the standard of the average information of the whole body. The noble Duke had talked much of the expense of a system of retirement; but his calculations were in one respect fallacious, for he took the cost of the retirement of the officers of Marines, and thence sought by a rule of three sum to ascertain what the retirement scheme would cost. This calculation took no account of the sum now paid for retirements, which, he believed, was nearly half the amount estimated by the noble Duke as the expense of retirements under the new system. With regard to the system of retirement, he (Viscount Monck) entertained a very strong feeling. The Government had announced their intention of providing a system of retirement; but it appeared to him that a system of retirement, except in very special cases, was a very great mistake. Our object ought to be to assimilate the condition of the Army as a profession to that of the open professions. Purchase gave the purchaser

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such a claim as no other professional man had; and the proportion of failure to success in all departments of life being very great, he (Viscount Monck) wanted to know why an officer or soldier who failed in his profession had a greater claim on the country than a barrister or a physician who failed in his profession? Why should he not betake himself to some other profession in which he might hope to succeed without making any claim on the taxpayer? ["Hear, hear!"] He could perceive that these opinions were not received with sympathy by their Lordships; but he could not see how they could be refuted. The noble Duke's main argument was a *réchauffé* of the old contention that, however indefensible in principle, purchase worked well in practice. Now, this was the argument in favour of all abuses, and had it been allowed to prevail all the abuses which had been extirpated during the last 50 years would still be in existence. Was it the fact, however, that the system gave us a highly efficient and professionally trained body of officers? He should be sorry to hurt the feelings of British officers, for they possessed that pluck, determination, and energy which had placed their race in the front in all the arts of war and peace, and almost all his near relatives, including his father and brothers, had belonged to that class. He felt bound, nevertheless, to declare his opinion that the system of purchase had tended to deteriorate the professional acquirements of officers; and in corroboration he would cite the opinion of one of the most distinguished Generals in Her Majesty's service. Lord Strathnairn, speaking, no doubt, with great pain and under a sense of duty, had stated that our officers as a body were absolutely ignorant of one of the principal branches of professional knowledge. The noble and gallant Lord did not blame them for this ignorance, nor did he (Viscount Monck), for it was caused by the defective character of the books of instruction issued to them. This threw the ultimate responsibility on the purchase system, for those books were compiled by men brought up in it, and the same causes which discouraged a high standard of acquirements in the lower ranks affecting also the higher, therefore books drawn up by men who had never learnt and could not appreciate particular sub-

Viscount Monck

jects were naturally defective. Hence for generation after generation officers were kept in ignorance on a subject which was likely to bring disaster on the Army if we were ever at war. For the reasons which he had given he thought it high time that the system of purchase should be put an end to, and that a system of selection by merit should be substituted for it. He considered the system of abolition proposed by the Bill a just and a fair one. He thought the details were such as no one could find fault with—unless, indeed, it were because the proposals of the Government were too liberal. There were two classes of officers who would be affected by the measure—one class were officers who had attained the rank of lieutenant colonel, and had exhausted all its advantages; the other class were officers below that rank, who if the purchase system should continue would have the opportunity of purchasing on. He could not see what the first class had to complain of, for every advantage which they now possessed was preserved to them, for they could sell their commissions and obtain the regulation and over-regulation money. With respect to the second class—those who had not yet attained the rank of lieutenant colonel—it was alleged that they had not only bought their commissions, but the right of purchase hereafter. Now, he could not conceive how such an argument could be seriously advanced. All that the Bill did was to raise the standard of efficiency, and to enable officers to obtain promotion without paying for it. He believed the Bill to be absolutely necessary to promote that professional knowledge which every day rendered more essential to the officers, and in his opinion it would not only have that effect, but would also, although not immediately, be productive of economy to the State.

THE EARL OF DALHOUSIE: My Lords, I find myself in a position than which nothing can be more disagreeable to a man with a long experience of public life—namely, that of differing from those with whom I have been accustomed to act all my life on a question of grave importance. But, respect for my consistency during my whole public career, and regard for the interests and welfare of a noble service in which many years ago I commenced my career,

and with the administration of which I have been so long connected in public life, leave me no alternative but to vote for the Resolution of the noble Duke. When first introduced the Bill contained various other matters to which prominence was given above the clauses abolishing purchase; but these have all vanished, and we have now little more than a naked proposition for the abolition of the system by which appointments, promotions, and retirements have hitherto been regulated. Whatever may be said about the purchase system—and I am not one of those who maintain that it is defensible on all points—it has given a system of promotion free from all party or Parliamentary influence—a system which has been carried on honourably and to the satisfaction of the profession, and which I have never heard challenged with success by any demagogue or stump orator. We are asked suddenly to tamper with the administration of a great institution to which the country looks for protection and defence without being told how we are to place the matter on a footing of at least equal efficiency. I think that those who have grappled with this question have begun at the wrong end. It is, I believe, admitted by the War Department that there was not a single proposition in the original Bill which could not have been carried out as easily without touching purchase as by abolishing it. I was surprised, therefore, to hear it stated by my noble Friend (Lord Northbrook) that the abolition of purchase is essential to the proper organization of the Army. The noble Lord who has just sat down (Viscount Monck) goes further, and attributes to the present system every fault that can be detected in the officers of our Army. The system, however, has been at work ever since we have had a standing Army. It was introduced in order to enable officers to retire, and a system of retirement by sale naturally involves a system of purchase. Our Army has ever since been furnished with officers under that system, and no Army in the world has done an equal amount of work in every climate, and opposed superior numbers with the same constancy of success. If the Government are so anxious to reorganise and reform the Army, they might find enough to do in the non-combatant departments, in setting to rights

the supply of stores, their proper delivery in times both of peace and war, in regulating the transport of the Army so as to enable it to take the field, and in preparing for the chances of war—all which matters are as incomplete as possible. When they have succeeded in organizing these, let them turn their attention to the re-organization of our officers; and if they can find a system better than purchase they shall have my cordial support; but to abolish purchase without knowing what is to take its place is to take a "leap in the dark," and, to use a sporting phrase, they must excuse me if I "crane" considerably before I do so. It must, moreover, be borne in mind that the abolition of purchase will place a great burden on the shoulders of the taxpayer, who certainly has a right to know what advantage he will gain; and I believe that when he considers the nature of purchase and its advantages, he will find that they outweigh its disadvantages, and will prefer to retain it to being taxed to a very large amount to provide another. Then, with regard to retirement, the present system offers a self-working means by which officers retire. Now, many hundreds enter the Army with a view, not of making it their profession, but for the purpose of making themselves acquainted with its duties, and of retiring after making themselves perfect up to a certain point. Is it, then, a bad system which trains up a certain number of the youth of the country to the profession of arms, and which restores them to their counties with the full knowledge of it, fully qualified for attaching themselves to the local forces which constitute our Reserves? While it is a good system of retirement for that description of officer, I appeal to anyone acquainted with the government of the Army whether it is not an excellent and convenient mode of retirement in many other cases? How many instances are there of men who have mistaken their vocation! Now, you cannot touch them by any tangible institution; but under the purchase system you can tell them quietly that they cannot expect to go on purchasing, and that they had better retire. This saves a great deal of bad blood, and relieves superior officers from a very disagreeable task. Her Majesty's Government, however, cannot exist in peace unless purchase is destroyed; and what is to be

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substituted? Seniority, they say, will not do, for they see the effect of promotion by simple seniority in the Artillery, the Engineers, and the Marines. You go a little abroad, and see the effect of promotion by seniority in the Prussian Army—for I am told that it is not unusual to find captains at the head of troops at the age of between 50 and 60. All I can say is that of all the systems ever proposed the system of selection introduced into the British Army would be the most unfortunate. The Commission which sat in 1857, presided over by the noble Duke (the Duke of Somerset), considered the question of promotion from first to last; the subject of selection was carefully submitted to all the witnesses, and there was hardly one who did not condemn it at once from beginning to end. The illustrious Duke at the head of the Army said that if heartburning existed in consequence of one officer purchasing over the head of another, it would be tenfold intensified if one officer were selected over another officer's head. I hold, my Lords, that in the most virtuous hands possible, and guarded by every security that could be devised, the principle of selection cannot possibly be carried out; because, no matter in whose hands it may be, the country would never have confidence that it will be fairly employed. But suppose this power unfortunately fell into unscrupulous hands;—suppose the Government did not shrink from converting promotion by selection to its own purposes—to what a length might the abuse be carried! If that system is adopted, what man will undertake the office of Commander-in-Chief or Secretary of State for War—open as he will be to solicitations of all kinds—the Secretary of State from the political party to which he may belong, the Commander-in-Chief from private persons. I do not think a Secretary of State could exist a single day under such pressure. And if, unfortunately, the pressure was yielded to, what would be the consequence? I cannot express it better than in the language of a small pamphlet I have seen on this subject. The writer says—“At present the Army has absolutely no politics whatever.” In that I entirely agree; the officers as citizens are entitled to their private opinions, and to act upon them; but the Army as an Army has no politics whatever, and I defy anyone to show me an instance in

the history of our country in our own time in which the Army has ever taken any part in politics, or refused to do its duty in times of political excitement. The writer says—

“At present the Army has absolutely no politics whatever; its promotion flows on in a regular course; it seeks the approval of its military chiefs, but knows and cares absolutely nothing whatever about civil strife and competition. The day the patronage of the Army gets into the hands of political leaders all this will cease, and the Army become more or less a political power in the State. Promotion by selection would soon become the reward of political supporters, and officers of the Army would soon find that their career depended more on the votes of their friends, or on their own political professions, than on any other claims; change of Ministers, party conflicts and strifes that now are to them matters of the most utter unimportance, would soon become of paramount interest.”

This system of selection, however much you may “temper” it with seniority, will have much the same effect in the end. It is not safe to rush into it with excessive haste. Any attempt to do so will end in ruin to the Army and danger to the Constitution. With respect to this question of the abolition of purchase, I cannot for the life of me see why we should not do all that is necessary for the purpose of procuring efficient and competent officers without having recourse to so extreme a measure. As to what has been said about the books for the Army having been condemned by Lord Strathnairn, the fault must be with those who have issued the books. There is a power in the Secretary of State and the Commander-in-Chief to say what books the Army will receive. But those who are candidates for the Army and look forward to promotion in it, do not confine themselves to the books issued by authority. They study other books, the history of armies, and make themselves acquainted with the details of their future profession. Something has been said about the professional ignorance of our officers. I cannot admit that such ignorance exists nearly to the alleged extent. When I was Secretary for War my noble Friend the late Lord Hardinge, who was then at the Horse Guards, came to me one morning with a satisfaction and pride I shall never forget, and showed me the performance of two regiments quartered at Windsor—one a regiment of the Guards, the other a battalion of the Rifle Brigade. Those regiments had been ordered to march out

The Earl of Dalhousie

into the country as if they expected to meet an attacking enemy, and the officers were called upon to make a report of all they had seen, accompanied by sketches of the ground and suggestions as to how it could be best defended. The reports which Lord Hardinge brought me, drawn up by the captains and subalterns of those regiments, proved to me that the officers, so far from being in a state of professional ignorance, possessed professional accomplishments in a very high degree—and that was before professional instruction was as much thought of as at present—and possessed an aptitude that would enable officers, even under the much-maligned system of purchase, to discharge their duties in the field as ably as the officers of Armies of any other country could produce. The system, moreover, has produced officers who are beloved by their men—and who are attached to their men and their men to them—and who, although they are not on the familiar terms with the men that prevails in the French forces, nor, on the other hand, treat them with the *hauteur* that marks the relations of officers and men in some Armies, yet have such a hold on them that they can trust them to do their duty with hearty and cordial readiness whenever called upon. Nor is there any Army whose officers have shown such courage and endurance under suffering, and patience in every respect, as the officers of the British Army. Now there is a system of professional study going on in the Army, and it will be found that if the necessity arises we shall produce officers quite equal to the occasion. All this is under the much-abused purchase system. I tell you, then, beware how you break it down; take heed how you are to supply its place. It will not do to tell me that the Secretary of State is laying the foundation for a general system of Army re-organization. Instead of destroying the old system under which the Army has been so successfully administered he should rather endeavour to remove the temporary obstacles that may stand in the way. If my right hon. Friend the Secretary of State for War will only give his attention to it, he may put the Army on such a footing as will enable it to take the field efficiently if called upon on an emergency should our shores be suddenly invaded, and he may reserve to himself a future opportunity of considering what will be the system of ap-

pointments, promotions, and retirements. If he can show me a system that will be attended with greater advantages than the present, I will be the first to give him my support. But before you destroy the present system, I hope your Lordships will remember that under it all the glory of the British Army has been gained, and I hope that it will not be abolished until the Government are prepared with a better system to put in its place.

LORD SANDHURST: My Lords, in rising to address your Lordships after the noble Earl (the Earl of Dalhousie), I feel that I stand at a great disadvantage. The noble Earl addresses your Lordships with all the influence which attends a long and successful career in Parliament, and which belongs to one who administered the office of Secretary of State for War in times of difficulty and danger with the greatest success. My Lords, I have no such advantages. I stand before you on the merits of the question raised by my noble Friend the Under Secretary for War; and so confident am I in the cause which I advocate that I do not fear to meet the noble Earl or those who have addressed this House before him in the same sense. The noble Earl alluded to the Commission of 1856 and 1857, which was presided over by the noble Duke (the Duke of Somerset). I have been a careful student of the proceedings of that Commission, and I read with the greatest attention possible the evidence given by the noble Earl (the Earl of Dalhousie). I am not able to taunt the noble Earl with being *laudator temporis acti*—with being one who stands still and neglects the progress of the present day. On the contrary, I find by the evidence he gave before the Commission that in those days he was one of the most ardent and practical military reformers that this country has produced. I think I am justified in saying that, because many of the reforms suggested by the Royal Commission had the fullest approval of the noble Earl. In the first place, he condemned the system of exchanges as leading to great mischief and jobbery. He was in favour of limiting the terms of command of regiments.

THE EARL OF DALHOUSIE: Foreign command.

LORD SANDHURST: And the noble Earl introduced the system of competition

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for entrance into Woolwich. Well, the Royal Commission said very frankly that they adopted all his recommendations and some additional ones which, in their view, led up to the principle of selection for regimental commands. I will, for the present, leave this part of the subject and address myself to the remarks of the noble Duke opposite. The noble Duke seemed to say that notwithstanding the very careful details furnished by the noble Lord the Under Secretary, no scheme had been submitted to the House or the country in which noble Lords can have any confidence. Now, I venture to say that it would be impossible for any one to have given in greater detail, with more exactness or decision, any scheme than my noble Friend has done in the statement he laid before the House. I was almost unprepared to hear these details given with such elaborate exactness or such perfect decision of conclusion. I was not aware that the Government had arrived at such an absolute conclusion; but after hearing the statement of my noble Friend, I do think it must be admitted that the Amendment moved on the other side cannot hold water. It cannot now be said that there is no scheme before the country, or that the House has not been furnished with the fullest details. I think this a very important consideration when your Lordships are asked to throw back to the other House of Parliament a Bill affirmed by large majorities—a Bill, the details of which have been canvassed with a persistency and acrimony rarely witnessed—a Bill touching private and public interests in so remarkable a manner. I think it a very curious thing that your Lordships should be asked to send the decision of the other House to a Royal Commission. I am a stranger in Parliament, but I believe that such a proposal, although not out of Order, is almost without precedent. To come back to the question raised by the noble Earl (the Earl of Dalhousie), let us consider what is gained by the abolition of purchase. We have been told in moving terms that the Army is going to be ruined. It is suggested that something very novel and dangerous has been put before the country by Her Majesty's Government—that the officers will be ruined, and that the Army which carried us to victory in former days will carry us to victory no more if this ancient

Lord Sandhurst

practice be abolished. Well, what is the value of such an assertion? I have now for many years been in the Army, and I say, as a matter of personal experience, having served under Commanders-in-Chief from the days of Lord Hill and the Duke of Wellington to our own—that the assertion of the noble Duke that promotion in the Army rests not on money, but on merit, is one that is not justified by facts. I assert, with the most absolute certainty, that if there is a certain theory that selection is practised by the Horse Guards, with the approval of the Secretary of State, this theory is not justified by practice, and has no existence in fact. The practice is that any officer whose name comes to the top of the list for purchase succeeds, unless there be something so dreadful against his character as would cause him to be turned out of the service. I have been watching those things from the days of Lord Hill, during the times of the Duke of Wellington, Lord Hardinge, and the illustrious Duke (the Duke of Cambridge), and I have not found any difference; and I believe that it is impossible that there can be even the minutest change in that practice so long as the system of purchase exists. It is a system that fills up places of regimental command by the absolute process of chance. It has been described in "another place" as a system of seniority—seniority among gentlemen in a regiment. My Lords, it is the seniority of those who have money in their pockets, and, consequently, the seniority of those who have no money is forgotten, while the seniority of those who have money is considered to be a vested right, which must be regarded as sacred. I will now say something as an old commanding officer of a regiment, and as a commander of armies. I ask, is it possible that the moral influence of a commanding officer can be maintained over a body of 1,000 men if they know that they are being dangled about from year to year to be sold like a flock of sheep—that they are merely waiting for the convenience of such a commander until he determined in his mind whether they should be sold or not? ["Oh!"] It is a fact. I have known it occur. I have known a commanding officer wishing to leave, but desirous of first securing a large sum which he had a right to receive,

and everyone in the regiment knew that he was waiting for the money. Am I to be told that such a commanding officer wields that sort of influence over his men which stops crime, which leads his men to victory, and which enables them to perform their duty to their country? It is quite true that this system of purchase has lasted for 200 years; but from what did it arise? It arose from certain notions of the sale of offices, and the manner in which money was made by Ministers in the days of Charles II. and in subsequent times. If we trace this strange and ancient practice to its source, we really find that it is part of a system which we should call corrupt. Lord Macaulay, speaking of the age in which this system arose, says that from the noblemen who held the White Staff and the Great Seal, down to the humblest tidewaiter, gross corruption was practised without disguise and without reproach. Titles, places, commissions, and pardons were daily sold in market overtly by the great dignitaries of the realm, and every clerk in every department imitated to the best of his power their corrupt practices. That, I believe, was the origin of purchase in the British Army. After it became a matter of favour whether a regiment should be raised, and during the reign that succeeded Charles II. very much the same kind of thing was seen in England as was seen in France in the days of Louis Quatorze and Louis Quinze. The noble Earl (the Earl of Dalhousie) has told us that promotion based on the principle of selection is a process that will lead to all imaginable evils, which it is impossible to control. If that assertion can be proved, even in part, I admit that the noble Earl is justified in the manner in which he adheres to the evidence which he gave 15 years ago. But what is there in the nature of the Army, or of the officers, or of the civil functionaries that administer the Army, to cause it to be more difficult for them to administer a system based on the principle of selection in a fair manner, such as we are accustomed to see in other establishments? I am perfectly at a loss to know why such a pothole should be made about the selection of officers to command a certain number of regiments. For a good many years I have presided over Armies in which this system of selection was carried out to the

utmost. During that time, of course, one was subject to solicitation—but not to more solicitation, I have reason to believe from personal experience, than that to which the illustrious Duke is now subjected by the present system of purchase. There was no great difficulty in administering that system. If the system of selection be administered with a real desire to promote the public interest, I believe there would be no greater difficulty in administering that system than has been found to exist in the Navy, or in any other department of the public service, or in any great private establishment. As to the Memorandum of the Duke of Wellington, which was read by the noble Duke opposite, I draw an entirely different inference from that drawn by the noble Duke. If it is true that duties of such an important character are imposed on the modern British officer—if it is true—and I believe it is true—that in general he is able to meet those duties in a satisfactory manner—can there be any difficulty in an honest authority exercising selection among officers who are so tried as they are declared to be in that extract? There is one class in great force in the other House who, of all others, should demand that this system of purchase be abolished. I allude to the officers themselves. In consequence of the system of purchase, the officers of the Army are placed in a false position towards the country. They are the victims of most unfair detraction on the one side; and, on the other, they are often the victims of class panegyric. I believe that there is much injustice in the allegations that have been made with regard to the officers' want of professional knowledge, and that as regards education they represent very favourably the progress which has been made in the country with respect to that matter for many years. Is it just that officers who have been well educated and have some professional knowledge should remain unpromoted because they have not got a few hundred pounds? As to the regimental system, I have reason to believe that there is a good deal of misapprehension in the use of those terms. I was myself for a good many years a regimental officer, and I believe I am right in stating that the regimental system is in reality the application of certain general rules laid down by the

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War Department for the government and administration of regiments, and that commanding officers are held very strictly to those rules. The regimental system, as it is called, applies far more to the means adopted for the preservation of order and discipline, and the instruction of officers than to that which it has been supposed to represent; and I venture to submit that a mistake is very often made by calling that a regimental system which is really a regimental social feeling. That social feeling may be very valuable, but is it to be supposed that it would be rendered less powerful or less useful if we got rid of the system of purchase? I do not think that as long as the inequalities and disadvantages of the present system exist the regimental *esprit* can possibly be what it ought to be. We find that the details of the proposed system of selection have been fully thought out. And that brings us to the question of retirement. I believe there is no intention at present to interfere with the existing very complete system of retirement. That system is one which already entails a very considerable annual cost upon the State; and when it is alleged by the noble Duke opposite that it may possibly come upon us hereafter as a charge of £750,000, or perhaps of more than £1,000,000 a-year, it is clear that it must have escaped his memory that at least half the cost is incurred for retirement under the present purchase system. In discussing this question of retirement, I would ask leave to refer to a very admirable letter written by an hon. and gallant Member of the other House (Colonel Anson), which appeared in *The Times* a few days ago, which appears to me to be one of the most valuable contributions upon this subject that has been made public in the course of the discussions on the abolition of purchase that have occurred during the last four or five months. If your Lordships will permit me to do so, I will lay before you some of the conclusions at which Colonel Anson has arrived. Taking the case of the non-purchase corps first, he shows that, reckoning per head of the private soldiers, the cost of retirement upon full and upon half-pay in the Artillery amounts to £3 8s.; in the Marines, whose retirements are all upon full-pay, to £3 15s.; while in the Line it only amounts to an average of £1 12s. But

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assuming that the average half-pay retirement under the new scheme will average £2 per man for the whole Army more than it does at present, even in that case, in place of the enormous sum stated by the noble Duke, we shall only have an additional annual cost to meet of somewhere about £240,000 per annum. I do not say whether or not these figures of Colonel Anson's are correct. I believe them to be so, and at all events he has given a fair challenge to anyone to show that they are inaccurate. I must remind your Lordships that this question of the abolition of purchase is not only a military but a constitutional and a popular one; that it is being discussed in every constituency throughout this country, and that we must look not to the effect of this Bill upon the Army or the Estimates, but to the effect that will be produced upon the feelings of the country with regard to the Army if we throw it out. In all solemnity and seriousness I say that this is the gravest measure that has been brought before your Lordship's House for many years; and if the threat I have heard uttered to-night is carried into effect, and this Bill is thrown out, the officers of the Army, to whom the Government has striven to do justice—those men to whom we are all under such great obligations for the manner in which they have done their duties—sometimes glorious, sometimes most arduous, but, for the most part, difficult and obscure—will be placed in such a position towards the country as will cause your Lordships bitterly to repent of your act. This is a subject upon which I have most deeply felt—and indeed there are few men among your Lordships who are under such obligations to the officers of the Army as I am, and I feel deeply, indeed, that they should be exposed to this trial. It is impossible not to attach great weight to the emphatic warning uttered by the Prime Minister in a recent debate in the other House, in which he showed that it would be impossible for the Government to permit henceforward any officer to take the over-regulation price for his commission. From this time forward the whole system of over-regulation prices in the Army must disappear, and any officer who shall attempt to violate the law on the subject will run the risk of being prosecuted. Therefore, I say, it seems to me that, taking all the circumstances

into consideration, whether we look at the question in the interests of the officers of the Army, or whether we take into consideration the necessity that exists of placing the country and the Army in perfect harmony, it is absolutely necessary that we should pass this Bill. To throw out the Bill because there is no perfect scheme of re-organization laid before the country is not the way to meet the propositions of the Government. To avail yourselves of such a pretext to throw it out will be merely to insure the measure coming back to you again, perhaps much altered in its character, and to run the danger of events that may occur in the meantime. You are bound in determining this question to take into consideration not only what actually appears on the face of the Bill, but also the whole Government scheme, of which this Bill only forms a part. We have now an armed force of something like 500,000 men, and we have upwards of 400 field guns, and, under these circumstances, it is impossible to say that the country is not in a position to defend itself. But it should be remembered that any measure of this kind depends for its success chiefly on its details, and we should give the Government credit for coming forward not only with a scheme for abolishing purchase, which they believed to be obsolete, but that there being a system of defence in the country there would be proportionate arrangements for organization. Having only lately returned to this country, few things have taken me more by surprise than the rigid analysis to which every measure is subjected in this country, everything that has an existence, everything on which we rely being subjected to a rasping criticism—this being more especially true in regard to the Army, so that nobody would believe it possible that we had so large a number of men under training. This language is repeated in the newspapers from day to day, and in a periodical notoriously hostile to the Government, an amusing squib has been written and taken to represent the true state of the country. I must hope, however, that your Lordships will pause before you condemn a scheme which appears to be in all respects well considered.

EARL GREY: My Lords, I do not think any case has been made out for accepting the Bill. The question before us is a very important one—it is whether we shall give our consent to the abolition of the system of purchase in the Army without knowing in any way what is to be substituted for it. I am most desirous of learning what the new scheme is to be, because I am sure, after the debates in this House and the various discussions which have taken place elsewhere, we may see that the existing system does furnish us with a body of officers who very efficiently and very ably perform the duty which is placed upon them. The only exception is the noble and gallant Lord who spoke last (Lord Sandhurst), and I was, indeed, astonished to hear a man, after his experience in command of British soldiers, ask was it possible that a colonel commanding 1,000 men, having bought his command, should, under the circumstances now in existence, exercise on them the moral power which he ought to possess.

LORD SANDHURST rose to explain.

EARL GREY: It is a matter of fact.

LORD SANDHURST endeavoured to explain.

EARL GREY: When I sit down, the noble and gallant Lord can explain.

EARL GRANVILLE: I rise to Order. I have been in this House now for many years, and it has never been questioned during a speech in which a noble Lord misquotes what he has said, a Peer may be allowed to explain what he did say.

VISCOUNT MELVILLE: I never before saw a Minister rise up and go to a noble Lord to ask him to rise to explain.

EARL GREY: I ask the clerk to read the Standing Order on the subject. ["Order!"]

The Clerk then read the Standing Order as follows:—

"No man is to speak twice to a bill at one time of reading it, or to any other proposition, unless it be to explain himself in some material part of his speech; but no new matter, and that not without the leave of the house first obtained. That if any lord stand up and desire to speak again, or to explain himself, the lord keeper is to demand of the house first whether the lord shall be permitted to speak or not; and that none may speak again to the same matter, though upon new reason arising out of the same; and that none may speak again to explain himself, unless his former speech be mistaken, and he hath leave given to explain himself; and if the cause require much debate, then the house to be put into committee."

[Second Reading—First Night.]

EARL GRANVILLE: I rise to a point of Order. Two instances occurred to-night in this House, and I certainly was surprised to hear cries of "Order!" upon the noble Lord (Lord Sandhurst) quoting the speech of a Minister of the Crown, from the bench opposite, who have so constantly been in the habit of quoting Mr. Gladstone's speeches. It was perfectly in Order that my noble and gallant Friend should be stopped when about to read from a speech of Mr. Gladstone's. But as regards the noble Lord's present wish to complain, it has been the constant practice when a noble Lord was misrepresented that he should do so.

LORD SANDHURST said, what he had wished to explain was that he did not say what was put into his mouth by the noble Earl, but that he knew the case of a colonel who, from the use he made of the system of purchase, lost his moral control over his regiment.

EARL GREY: It amounts, then, to this—that the noble and gallant Lord in his long experience has known but one case in which, owing to some particular circumstances, a commanding officer has lost what he called his "moral command." I admit that you might have that happen occasionally, but it does not at all shake my general statement that under the existing system, as a general rule, it is found that British officers have confidence in their men and British soldiers have confidence in their officers. If that system is to be changed, it should be changed with deliberation and a perfect understanding of what is to be substituted for it. I listened with the greatest pleasure to the very able speech of my noble Friend the Under Secretary for War. It was impossible for anyone to have stated the case of the Government better than he did. Nothing could have been more clearly, nothing more skilfully placed before your Lordships than the statement which he made. But on two great points with respect to promotion his explanation was defective. There are two things wanted in this matter. The first is that promotion shall take place in such a manner that there shall be a general feeling on the part of the officers that it is fairly given; and in the next place it is very necessary that by some means or other provision should be made by which the current of promotion should be so regu-

lated that men should not be left in the Army at an unsuitable age, and that officers should not be of an age unsuitable to the rank they hold in the service. How will this be attained under the new system now proposed? My noble Friend (Lord Northbrook) said you must have a system not of seniority but of selection, and that the system of selection will be strictly guarded and guided by the reports of commanding officers. Does my noble Friend really think that system can work practically in the British Army and in our regiments without producing jealousies and heartburnings? Is he not aware that if it is known that promotion is to be entirely a matter of selection, there will be a constant feeling among the officers that some advantage over them is being taken—that one man may be afraid of another, and suspect that he is in communication with some superior officer who can represent his case favourably to the authorities, and may there not be intrigues on the part of officers to obtain promotion? I believe that under this system you would practically come to the system of seniority, except in extreme cases. Contrast that with what exists at present. It is admitted that you now have great facilities for getting rid of an officer who is not fit for promotion; that there is a moral pressure which induces him to sell out. He can retire with the price of his commission, and, practically, promotion goes to a fit officer. It is a rule, if I mistake not, at the Horse Guards that no man is to be held to have a right to promotion unless the Commander-in-Chief thinks him qualified for it. Formerly, perhaps, that rule was not applied as strictly as it ought to have been, and the standard for promotion was not as high as it should have been, and this may still be the case. But that is a fault which could easily be corrected, and by the purchase system you have enjoyed to a great extent the advantages of selection. But the case will be very different when an officer cannot sell out, and, on leaving the Army, has to give up all his prospects and all hopes of securing a return. He cannot go on half-pay. A rule prevailed at the War Office when I was there 35 years ago, and it probably still exists, that no man is allowed to be put on half-pay because he is incapable of efficient service on full-pay.

Under such circumstances it will be so much more difficult to get a man to go out of a regiment as to render it practically impossible, except in gross cases of unfitness, and it will often happen that an officer whose retirement would greatly benefit the service will be allowed to go on because it would be so great a hardship to him to be dismissed without any provision. But we are told that the objections to selection are visionary because it answers in the Navy and in India. Now, I believe that in the Navy promotion has been generally given most fairly and justly, but I ask whether there is a confidence on the part of the public that that is so, and whether it is not supposed that favouritism and partizanship have some share in the distribution of naval promotions? I do not say that there is good ground for that impression in the public mind, but only that it exists. Remember, too, that there is this distinction between the Navy and the Army, that in the Navy a ship is commissioned, say, for three years, that at the end of that time she is paid off, and the officers are dispersed, never perhaps to meet again afterwards. But in the Army, on the other hand, unless you destroy the social system of the regiments, the advantages of which are acknowledged, the officers must live together for many years; and if you promote one man over another by selection on grounds which cannot be very clearly explained, how are you to expect either the officers themselves or the public to be satisfied that the promotion is fairly given? Again, the noble and gallant Lord says he has seen Armies worked very successfully in this manner in India. Yes; but India has a despotic Government, and there is no Secretary to the Treasury in India; there are no constituents, and no Members of Parliament in India to come forward and press the claims of particular officers. And do you think that an officer serving perhaps in some unhealthy part of India, and doing his duty faithfully and honestly at that distance, would stand a fair chance in competition with some officer at home with powerful friends and relations in Parliament to back his claims? Well, it is said there is a security in the selection being left to the Commander-in-Chief. But how is it left to him? Why, subject to the approval of the

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Secretary of State for War, who is to be responsible to Parliament for the manner in which it is exercised. I ask, can responsibility and power be separated? I say that where the responsibility lies there the power also must be. Suppose the Secretary of State should express a certain opinion as to the claims of a particular officer, and that the Commander-in-Chief, taking a different view, should recommend some other officer. Then in what a position the Commander-in-Chief would be placed! Up would start some Member of the House of Commons to accuse the Commander-in-Chief of a great job in having refused to accept the advice of the Government. I ask, then, will not the whole power fall practically into the hands of the Secretary of State? The Secretary of State would not only have the power and responsibility in his hands, but it is desirable that he should have them; for I should deprecate nothing more than to see the Commander-in-Chief erected into an *imperium in imperio*, or an independent officer able to beard the Government of the day. Nothing could be more injurious. I have always contended, and I still contend, for the complete authority of the Ministers of the Crown over the Commander-in-Chief. But if that authority is to be real—and it must be so—by your system of selection you will incur all the dangers connected with partizanship in relation to promotion in the Army. Then, with regard to retirement. An Army cannot be maintained in a proper state unless its officers can retire in reasonably quick succession. A noble Viscount who spoke some time ago (Viscount Monck) did not admit this, but said retirement was not more necessary for the Army than for any other profession. But the efficiency of every Army in the world largely depends upon having men in command of a suitable age and not too old, and that can only be secured by a tolerably rapid flow of promotion. Therefore, not on account of the officers, but for the sake of the public interest, you must have a due rapidity of promotion maintained in your Army. The noble Lord the Under Secretary of State, in condemning purchase, pointed out what appears to me one of the great advantages of the system. He pointed out how far more common it is for officers to retire before they attain high rank

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under a purchase system than under any other system. Precisely so—that is the great value of the system. Without any cost to the country you get your officers of a reasonable age, and stagnation of the service is prevented. We are told that the purchase system prevents our getting officers professionally instructed. I quite admit that a great mistake has been made in this country, and in many countries in Europe, in not requiring officers to study and make themselves acquainted with the art of war, both theoretically and practically; but the fault of not attending sufficiently to the acquisition of scientific knowledge of their profession by officers has had nothing to do with the system of purchase. It arose from very different causes, and has no doubt been a great mistake in our military administration. But that mistake is capable of correction—I believe it has been already corrected to a very great extent, and is likely to be corrected still further. And in spite of the little encouragement they have received from military authorities, it is very remarkable how many of our officers have carefully studied the art of war. I believe it to be a matter of fact that the Army has produced no inconsiderable number of able writers in every department of the profession. On the question of retirement, I quite admit it is impossible to make a perfect estimate of its cost; nor do I find fault with the Government for not having produced such an estimate. But it is certainly possible to draw up rules to regulate the conditions on which officers should retire on half-pay and full-pay. This ought to have been done, and the rules laid before us; and that I believe would have met the requirements of the noble Duke who has moved the rejection of the Bill. As it is, we are only given vaguely to understand that when the necessity arises the Government will draw up some scheme of retirement—which may be unsatisfactory. The noble Lord (Lord Northbrook) has said that the abolition of purchase is necessary, because purchase has hitherto been an obstruction to all other reforms in the Army. I must confess I am altogether in the dark as to the manner in which that obstruction arises. The greatest want of the present moment is that we should be able if a sudden war broke

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out to have command of a larger Regular force than we now have. But how does the system of purchase interfere with that? No one says we are deficient in officers. We have plenty of them—indeed, the only difficulty is to meet the many applications which are made for commissions; but our real want is more rank and file, and I want to know how the abolition of purchase in time of peace gives you a greater command of rank and file in time of war. That is a matter which is beyond my comprehension. This brings me to the consideration of the general policy of the Government. Remember that the Bill before us was brought forward as a part of a great measure for placing the country in a state of safety, and the policy which the Government announced at the time this measure was first submitted to the Legislature was perfectly sound. The Government laid down four cardinal rules for making the country not only free from danger, but free from the apprehension of danger. The first was that the country must mainly depend upon the Regular force, and if that force could not be very large, it should, at least, be very efficient. Secondly, as it is impossible, without throwing an undue burden on the country, to maintain constantly under arms a sufficiently large force to meet an emergency, it was held to be expedient that a large part of the force to be relied upon for our protection in war should consist of a Reserve in close connection with the Line. Thirdly, that, in order to create such a Reserve, it would be absolutely necessary to make service in the Line, as a general rule, as short as possible. And fourthly, it was said the Government were to rely, as far as possible, upon voluntary enlistment rather than compulsory service, unless some great emergency arose. I believe these were the rules laid down—I think them perfectly sound, and I heartily subscribe to them all;—but I say that the measures proposed to the country do not correspond to the promises held out. How far has the execution fallen short of the promise? We are told our main trust must be in the Regular force; but in the course of the present year we are provided with 108,000 men in our Regular Army, with 9,000 in our first Reserve connected with the Line, and 30,000 in the second Army of Reserve,

including the pensioners—making altogether 147,000 men—a totally inadequate force; for with these men, to say nothing of deductions on account of the sick, we should have to provide not only for our garrisons at home, but for a probable increased demand for garrisons abroad;—and I want to know how many we should have left for the field. Will the remainder form an Army sufficient to give us not only safety but complete freedom from apprehension? If we are to rely on the Regular force—and seeing how scientific a business war has become, it would be unsafe to trust to anything in the main but the most highly trained body of men it is possible to obtain—I say 147,000 is quite inadequate for that Regular force. We may be told that in a few years we shall be in a better position, because a powerful Reserve is in the course of formation. I hope it will be so; but in the meantime I maintain that our Regular Army should be larger, not only because it is necessary in itself, but because a small force under the colours necessarily involves a slow formation of Reserve forces. Nor is this all—we have to consider that by keeping the amount of force so low while our Reserve is being formed we impair its efficiency. It is not very long since that a noble and gallant Lord (Lord Sandhurst) proved that the state of our Army was most unsatisfactory, in respect of the large proportion of mere boys in its ranks. And how was that statement met? Why, the noble Lord the Under Secretary of State for War answered, on behalf of the Government, that the proportion of recruits over 18 years of age now being enlisted was very much larger than it was in former times. It may be so, and yet this would not prevent our having a great excess of mere lads in our regiments compared to former times, because instead of encouraging men to remain 21 years in the Army they are now to stay in it, as a rule, only six years, and in some cases only three. Under this system it is obvious that a very large proportion indeed of our whole force must consist of quite young soldiers. Nor is it disputed that such is the fact. When the noble and gallant Lord (Lord Sandhurst) complained not long ago of the practice of sending such young soldiers to India, the Under Secretary for War, in reply, admitted that in the regiments about to proceed

to India there were many soldiers too young for this service; but he said the evil of sending out these lads would be prevented by exchanging young men in regiments ordered for India into others at home. But if this were continued in conjunction with short service, the Army at home would be mainly composed of young men and recruits, and that important element of strength in a regiment, its *esprit de corps*, would be destroyed. It appears, then, to me that Her Majesty's Government have not redeemed the pledge which they gave of laying the foundation of a better and more efficient system. We may be told that all this is necessary as a foundation for the system which is to secure the country against even apprehension from danger; and we may be asked—"How can you be so unreasonable as to demand more when we have increased the Estimates by £2,500,000 already?" But if we consider the policy of the Government as a whole, and look back, what do we find? Two years ago the Government diminished the strength of the Army by 20,000 men, and it was defended on the ground that the reduction was made in colonial defences. This, however, is most fallacious, because a regiment in many of the colonies is just as useful as a Reserve for an emergency as if it were at home. A regiment from North America or even from the Cape can in these days be very speedily brought home if we have reason to expect war. It is absurd, therefore, to contend that because you keep up the number of men at home by re-calling troops from the colonies, the reduction of 20,000 men did not reduce the force available if danger should arise. The Government have had not only to replace the 20,000 men by whom they so imprudently reduced the Army, but they have also had to restore their manufacturing establishments and to increase their stock of gunpowder—the result being that when the country took alarm the taxpayers were immediately put to great expense to restore what had been lost. What has been the effect? On the plea of those reductions, which experience has shown to be fallacious, the Government made a most flourishing statement of their financial arrangements to Parliament; they abolished taxes of which no complaint had been made, and then they took great credit

in their Budget for a large remission of taxation. But in less than two years there came an alarm, and they had immediately to restore what they had foolishly abandoned; their only resource, then, was to increase taxation, and as they said that all the unobjectionable taxes which had been remitted could not be re-imposed, they could do nothing but put this charge on the unfortunate payer of income tax. Another part of the increase of their expenditure arises from their being about to spend half a million of money on the Militia, for the purpose of making changes in the constitution of that force which will prove, I believe, to be both useless and costly. Commissions in the Militia are no longer to be given by the Lords Lieutenant of counties. To this I make no objection. I have the honour to hold Her Majesty's commission as Lieutenant of a county—but I put aside altogether any consideration for the Lords Lieutenant, and say that if there is the slightest advantage in depriving them of the authority so long vested in them, let this be done by all means; but I object to the considerable expense which will be incurred by the proposed changes with regard to the Militia. There are only two purposes for which a Militia is considered useful; in the first place, some people think it useful in our present condition as a reserve in case of sudden danger; others think it is a means for supplying the Regular Army. The Government have rejected the first plea, for they have clearly stated that in the present condition of Europe, with the facilities for communication that now exist, and when vast hosts of men are maintained as thoroughly trained soldiers, who might be assembled against us at any moment, the Militia cannot be relied upon to furnish our principal Reserve force. That opinion has been distinctly expressed by several Members of the Government; who have also declined to adopt a system by means of which the Militia could be completely trained, so as to be fit to contend with Regular troops. It has been said in the other House of Parliament that to train the Militia so as to make them good soldiers would involve such an interference with the labour of the country and the employment of the men that the proposal could not be entertained; and I concur in that opinion.

Earl Grey

It is said that the Militia may be made a source of supply to the Regular Army; but we have only been given a very faint notion of something floating through the minds of the Government; we have never yet been informed how their plans are to be carried out, nothing even approaching to a well-considered and digested scheme having yet been brought forward for making the Militia available as a supply to the Regular Army. We have been told, indeed, that the Militia is to be amalgamated with the Regular Army; but all we have been yet told respecting that amalgamation is that subalterns after a certain service in the Militia are to receive commissions in the Line, and that some officers of higher rank on leaving active service in the Army are to be employed in the Militia. Will these changes make the Militia more efficient? I cannot believe that a plan which would take the best of its young officers out of the Militia and leave to it only the refuse of those who join that force will answer. And how will it tally with the plan for appointing officers of the Line by competitive examinations? I do not see how the two systems are to work together. It will be a further discouragement to the Militia to fill up the superior commands with officers of the Regular Army; promotion in the Militia is already extremely slow, in the future, under this scheme, there will be none at all, and I doubt very much whether you will get officers to accept commissions. We are told, also, that the men are to be kept longer together in the annual training; but that, I think, is a very doubtful experiment. The men who join the Militia are not of the class of men who enlist in the Regular Army. They are men who go into the Militia because they have occupations that prevent them from giving the whole of their time to the public service; while the training is to many of them a month's holiday from harder work and higher pay. Such a holiday they like; but if you make a greater demand upon their time you will drive them from the force altogether, and thus lose the services of the very best recruits that now enter the Militia, and especially the Militia Artillery. With regard to the Militia, I maintain the opinion which I expressed in 1852, when it was re-established, that it is not formed on a ju-

ditions principle; that it is very costly in proportion to the services it renders; and that it was a great mistake to spend money on a force which, after all, is not equal to the task assigned to it, when that money might be more usefully applied to the Regular Army and the Reserves in connection with it. I admit that the Militia is a popular force; that great expense has been incurred upon it; and that it has been trained to a degree of efficiency that is really marvellous, considering its faulty principle; and, therefore, while I adhere to the opinion that a great error was committed in forming it, I admit the expediency of maintaining it, at least for the present. But I hold it to be unwise to go further; I believe the expense it is proposed to incur in trying to improve and increase the Militia will be wasted. With regard to the expediency of requiring only a short period of service from soldiers, I entirely concur with Her Majesty's Ministers. What I object to is their having adopted this system so imperfectly and without proper precautions. If a man is to be in the Army for only six years, it ought to be six years as a man; service as a boy ought not to reckon, or our real will fall lamentably short of our nominal force. We have been told that grown men cannot be induced to enter the Army, and I admit the difficulty; but it ought to be met, and there are two ways of meeting it. You might either, as I suggested in a former discussion, send lads, when enlisted, to be trained in depôts, and only allow them to join their regiments and to be counted in the strength of the Army when fully able to perform useful service, or you ought to increase the pay or advantages given to soldiers so as to enable you to compete with success in the labour market for the services of full-grown men. You have done neither; but, on the contrary, have diminished the advantages offered to recruits. The prospect of a pension was formerly an important part of the inducements to enlist; but you have, in fact, abolished pensions by reducing the term of service, so as to deprive soldiers of the power of earning them, and that you have virtually reduced the pay of the Army. It appears from this review that by adopting the measures proposed by the Government we shall not make any effectual advance towards

establishing that state of security which we were promised by Her Majesty's Speech and by the declaration of Ministers. And it is on that ground, not because it abolishes purchase, that I object to the Bill before us. I regard the abolition of purchase as unwise; but I recognize its necessity when it has been determined upon by the Ministers of the Crown. I am therefore prepared to acquiesce in it as a change that must take place; but I maintain that before it is carried into effect we are bound to require Ministers to show that they are ready to introduce some other system by which the Army shall be as well officered as before, and, also, that they are adopting measures to raise the Army to the state of efficiency required by the country. But we have no definite information as to the new rules to be adopted for the promotion and retirement of officers, and I can find nothing in this Bill which will tend to increase the efficiency of the Army; on the contrary, I believe, so far from promoting that end, it will prove an obstacle to it, because it will absorb so large a sum, for many years to come, for the Army as to disincline the Government of the day to propose further measures for improving it involving expenditure. For these reasons I shall record my vote in favour of the Resolution of the noble Duke behind me. I am sensible of the consequences of leaving the Army in the condition it will be in if this Bill is rejected, and I am ready to concur in any arrangement for the abolition of purchase, as you have determined upon it; but it is our duty to the country not to acquiesce in it until it is joined with those measures by which it ought to be accompanied.

THE DUKE OF SOMERSET said, he was quite ready to admit the consistency of the noble Earl (Earl Grey) in opposing the abolition of purchase, for he expressed the same opinion in his evidence before the Royal Commission of 1857, of which he (the Duke of Somerset) was himself a Member, and he repeated his evidence before the Select Committee of the House of Commons in 1860. The noble Earl, in answer to Sir James Graham, General Peel, and other members of the Committee, advocated the management of the Army by a Board, which should administer the patronage; he thought

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the position of the Commander-in-Chief should be essentially altered, a great part of the duties falling into the hands of the Military Department; and when asked whether he would retain a single officer at the head of the Army, he replied, "No, I don't think I would." A dreadful picture had been conjured up by the noble Earl (the Earl of Dalhousie) and other speakers, of the jobbery and corruption which would prevail under any other system than purchase, and they had described the Secretary to the Treasury constantly besieging the War Office for some piece of promotion or jobbery. He did not believe that such a practice would arise as to the Army, which had not of late, at least, existed in the Navy. There was, he admitted, only a choice of difficulties; for while the purchase system was advantageous as regarded retirements, it had other great disadvantages. Lord Clyde was strongly against it; and Lord Clyde's evidence, in which he pointed out the sufferings of an officer under that system, inclined Lord Derby, Lord Herbert, and himself to recommend an alteration, with the view of getting rid of it. Lord Clyde was 18½ years in unhealthy climates, constantly suffered fever in the West Indies, yet stayed there seven years, thinking it would be considered meritorious—though it did not help him at all—and ultimately he obtained his promotion by purchasing over the head of one officer. Lord Clyde also mentioned the case of Major Ferguson—an officer possessed of every qualification—who, after having frequently been passed over, was offered the command of a regiment, but resolved to decline it, on the ground that he could not afford to buy promotion, and was with difficulty persuaded to accept it, the other officers subscribing to enable him to do so. Now, cases like this would exert an influence on the country if Parliament went on discussing the purchase system. If that system were to be retained, the proper way would be to bring in a Bill to legalize the over-regulation price. The noble Earl did not object to the over-regulation price. [Earl Grey dissented.] The noble Earl in his evidence certainly said that he saw no great objection to it, and that as long as there were people disposed on the one hand to pay, and on the other to receive it, any attempt to put down

The Duke of Somerset

an extra price would fail. It was ridiculous to talk of returning to the regulation price. As for educated officers, they could be got under any system—though, according to a learned Gentleman in "another place," neither barristers, attorneys, nor Members of Parliament were sufficiently educated. The speech of the noble Duke (the Duke of Richmond) tended entirely to the maintenance of purchase; but the country would not be persuaded to take this course, nor could the over-regulation price be maintained, and when this went the rest would go too. There was no doubt serious objection to this expenditure for the abolition of purchase, for he remembered that in 1862 a Motion against the expenditure of £25,000,000 on the Army and Navy in time of peace was proposed by Mr. Stansfeld and seconded by Mr. Baxter. Economy having such strong advocates in the Government, he was afraid that when this money had been spent on the abolition of purchase we should get no further, and should next year be educating the Irish, or entering on some other exciting business, and altogether forgetting the Army. While supporting the Bill, therefore, he should like a pledge from the Government that they would go on and render the Army efficient in other and more important respects—for really the greater part of the Bill related to very small points. He was glad, as a Lord Lieutenant, to be relieved of his functions with regard to the auxiliary forces; for the patronage was not worth having, the responsibility was great, and it was difficult to find officers of sufficient military standing and local position to command the Militia and Yeomanry. When this Bill was carried a great responsibility would rest on the Government; for all this was merely clearing the way, and they would have to re-organize in earnest, and incur considerable additional expense. He hoped they would make up their minds to this, and also that that they would not throw the whole expenditure on the income tax, whereby a considerable section of the community were relieved from their due quota.

THE MARQUESS OF HERTFORD said, he would in the first place bespeak the indulgence of their Lordships on addressing them for the first time, but he felt that he could not, having belonged to the Army for 41 years, give a silent

vote on a scheme fraught, in his opinion, with ruinous consequences to the military profession. He approached the question in no party spirit. He had long believed that a re-organization of our Army was necessary—and now more especially, considering the great events that had recently occurred on the Continent. He must say, however, that that measure had come before their Lordships in a very mutilated shape, and when this measure was first proposed in the other House of Parliament he regarded it with interest and anxiety. He had hoped for a scheme which should amalgamate all our forces—not omitting the Volunteers, of whom he had always been an ardent admirer—and he could not conceal his disappointment when he saw what he must call the miserable failure of this Bill. It really did not help us forward one bit. It did nothing whatever except abolish purchase, and that at an enormous cost at a moment when the country could ill spare the money. Very wrong impressions prevailed in the country on the subject of purchase. It would be better to apply the millions which the scheme would cost not in putting down purchase, but in increasing the rank and file of our Army, our means of transport, and in forming a new Arsenal in some safer place than Woolwich. The noble Duke (the Duke of Richmond) stated that purchase was certainly bad in theory, but not bad in practice. Now, he (the Marquess of Hertford) would say that purchase was defensible if people looked at it calmly and tried to understand it. The matter had been put before the country as if a vacant commission had only to be put up to the highest bidder, and as if the longest purse determined how a man made his way in the Army. But that was not so, as had been shown by the Commission over which the noble Duke opposite had presided. It appeared from the Report that—

“According to the practice of the Army, no officer who is able and willing to pay the regulation price is passed over by another in the same regiment unless some flagrant conduct or notorious incapacity should justify the withholding his certificate. The two principles which regulate promotion are said to be—first, that no officer, however deserving, shall be promoted without purchase over the head of his senior in the same regiment; secondly, that no officer shall be promoted by purchase over the head of his senior

officer in the same regiment, provided such senior officer has stated his claims to purchase conformably with the regulations. When an officer has reached the position of lieutenant colonel the power to purchase any higher rank ceases.”

The Report of the Duke of Wellington's Commission in 1840, stated—

“Having reference to the great extent of colonial service which has followed upon a long protracted war, we can have no hesitation in expressing our conviction that under no other system than that pursued in the British Army, with its advantages of early advancement by purchase, would it be possible to find so large a proportion of officers physically efficient as is shown from the returns placed before us to exist in the several regiments. The result would inevitably be either to maintain an enormous retired establishment at the public charge to furnish a provision for the worn-out officers, or to leave the commissions of the Army in the hands of those incompetent to discharge the duties attaching to them, if it were not for one of those very anomalies to which we have alluded—namely, the system of sale and purchase of commissions authorized by the regulations of the service. With regard to the system of purchase generally, we have the strongest testimony as to its practical success in having, during a long peace and notwithstanding the severity of the colonial service, afforded the means of maintaining the efficiency of the Army, in so far as it depends upon having a body of officers in the vigour of their age and health.”

Considering the Reports of the Commissions that had been appointed specially to inquire into the subject, he (the Marquess of Hertford) was surprised that the advice of anonymous newspaper correspondents should be preferred to the professional experience of men who had spent their lives in learning and applying the theory of the service. General La Marmora, when over here some years ago, expatiated at length on the merits of the British Army, admired, above all, the manner in which the officers of the Staff rode, the intelligence and gallantry which they displayed, and said—“We have no such thing as purchase in the Sardinian Army—you have it, and therefore you can get the flower of your nation.” The testimony of Sir George Cathcart, Sir John Burgoyne, and Lord Hardinge was to the same effect. The question, however, was not what was best for the officers, but what was best for the nation, and if their Lordships succeeded—as he hoped they would—in throwing out this Bill, he trusted that another Bill would be introduced next year which would embody a well-considered scheme for putting the country in a state of defence, which we were far from being in now.

[Second Reading—First Night.]

He must speak up for the non-purchase officers. He held that the poor man was quite as much interested as the rich man in the retention of the purchase system. If that system were abolished, the clergyman's and lawyer's sons would not be able to go into the Army or to maintain themselves there without an increase of pay. The Duke of Wellington, with that great wisdom for which he was remarkable, said the expenses of the Army should be kept down, lest it should become too burdensome to the country, and then the capacity of the Army for the service of the nation in times of emergency would be annihilated; and then the reaction would come, and we should fall back into the state of things described by Mr. Sidney Herbert as "parsimony and panic." He (the Marquess of Hertford) hoped their Lordships would not pass a Bill that was not called for by the Army or by the country. Having been in the Army, he had had a good deal to do with the promotion of men from the ranks. No less than 40 men in his regiment had been promoted from non-commissioned officers to be officers since he first joined in 1827. All of those officers, with one exception, were more or less in favour of purchase. He ascertained their sentiments on the subject by sending a circular to them. One of them wrote, in reply to his inquiry, as follows:—

"I am of opinion 'selection' under the proposed system would have prevented my obtaining my present rank and pay. I was not purchased over, having been appointed captain and adjutant to the Queen's Own Royal Regiment of Staffordshire Yeomanry Cavalry from the 17th Lancers, where I was serjeant-major. But had I obtained my commission in the 17th, and knowing the class of gentlemen in the regiment, all of whom purchased their commissions, I would not have been disappointed; but I would be both disappointed and mortified had this taken place under the proposed system of 'selection.' I feel satisfied that doing away with purchase will be one of the greatest misfortunes that ever happened to the British Army, for where there is one case of insubordination tried by Court Martial, ten or a dozen may be expected under the new system of 'selection.' The cause will be want of respect to their officers, I think I may be allowed to say want of respect, having had good opportunities in the barrack-room of hearing and knowing the feelings of soldiers on the subject of those who purchased and those who did not."

Therefore the view taken by Mr. Trevelyan that the purchase system found so many advocates in the House of Commons only because the non-purchase

officers were not represented there, had not the force that appeared to attach to it. He besought the House to reject a measure which would squander twelve millions of money without benefiting either the Army or the country—by doing so their Lordships would entitle themselves to the gratitude of the whole nation.

THE MARQUESS OF RIPON said, the noble and gallant Marquess who had just sat down (the Marquess of Hertford) had throughout his speech offered an uncompromising resistance to this Bill. But that was not the position assumed by the noble Duke opposite (the Duke of Richmond) who moved the Resolution. He (the Marquess of Ripon) heard the speech in which the noble Duke moved that Resolution, but he was not able to make out whether the complaint made by his noble Friend was that no statement was made of the intentions of the Government on the various questions alluded to in the Amendment, or that those points were not embodied in the Bill. Various noble Lords who had spoken appeared to make it a matter of complaint that the Bill did not contain a vast number of provisions which were utterly beyond its scope—such as the promotion and retirement of officers. But he would ask their Lordships, was it wise to tie the hands of the Executive Government by forcing on them a stereotyped scheme of appointment, promotion, and retirement to be fixed by Act of Parliament? These were questions which had always been dealt with by regulations issued by the Executive—by Royal Warrants, General Orders, and documents of that character; and no man who had ever had anything to do with the administration of the Army would deny that it would be impossible to carry on that administration if the Executive was tied down by statute to minute particulars. They had been reminded on previous occasions by the illustrious Duke (the Duke of Cambridge) that the Government ought to proceed tentatively in these matters; but if they were to proceed tentatively how was it possible that they should embody their whole system in an Act of Parliament? The scheme of the Government had been admirably detailed in the speech of the noble Lord the Under Secretary for War. He had shown that the Government plan involved three great points—the granting

The Marquess of Hertford

of first commissions, the regulation of promotion, and the system of retirements; and he had not heard a single argument of any value adduced against either of these branches of their plan. The noble Earl on the cross-benches (Earl Grey) complained that the Government had laid no definite plan before the House with regard to the re-organization of the Army, but in the same breath he had proceeded as he thought to tear their plan to pieces. It was of course open to any Lord to take exception to the plan of the Government, but it was scarcely fair after taking exceptions to it to allege that they had put forward no plan whatever. But what were the objections that the noble Earl had taken to their plan? He said, in the first place, that the system of selection would lead to jobbery; but then at the same time he admitted that the system had been in force at the Admiralty for a long time without leading to such a result. The system of selection certainly was not unknown. It had been tried not only in the Admiralty, but also in the large Indian Army, with marked success; and if it had worked well in those instances, why should it fail when applied to the British Army? Doubtless, like any other system, it had dangers that must be guarded against, but this was no reason why it should be entirely thrown aside. But a system of selection, instead of being unknown and unheard of in this country, had always been in existence here and had always been worked with perfect fairness. The principal objection that had been raised that night to the Government scheme was that it involved no definite scheme of retirement. He (the Marquess of Ripon) quite agreed that when purchase was abolished it would be necessary to adopt such measures as would secure a good stream of promotion, and no man was less inclined than himself to under-rate the great importance of having young men in high positions of command in the Army; but the system of purchase would only be gradually abolished, and for a long period it would be in full operation, and would produce the same stream of promotion and retirement as at present. Was it then desirable to produce now a scheme of retirement in regard to a matter which would be a question for future experience? But this was a subject that must be left to the future—because scheme after scheme of

retirement had failed in the Navy, and the result was that there now existed in that force numbers of officers who were subject to different rules of retirement. The noble Duke who moved the Amendment (the Duke of Richmond) admitted that it was impossible to give an accurate estimate of the cost of retirement, but had made a rough estimate for himself, founded on the retirement of the Marine Corps, and calculated on that basis that the system of retirement adopted by the Government would involve an expenditure of £750,000 per annum; but the noble Duke had omitted to deduct from that sum the £450,000 which was now paid for retirement, which would leave an additional sum of only £270,000 to be provided for that purpose by the nation. He (the Marquess of Ripon) would now turn to the question of purchase. On this point their Lordships had received a clear and lucid statement from his noble Friend the Under Secretary of State for War, which complied with all the requirements of the Resolution of the noble Duke. The proposal of the Government was founded on the existing state of things, and he was prepared to contend that the system of purchase could not be maintained, and that it opposed a serious obstruction to the changes necessary to be made in our military system. The small operation on the organization of the Army recommended by the late Government and adopted by the present Secretary of State for War was stopped in the other House of Parliament owing to the objections taken to it, because it did not provide for the payment of the over-regulation prices; and after that fact it was essential that the question of over-regulation prices should be fully inquired into. That investigation had been made, and the Report of a Commission had shown to the whole world that a system of over-regulation had been pursued for a lengthened period, with at all events the tacit knowledge of the authorities in distinct violation of the law. When once the matter was put before the public in that shape, it was impossible that such a state of things could be permanently continued. No man could doubt, after recent events, that it was necessary for the Government to turn their attention to every branch of our military administration, and to introduce great changes; and in order to do so it was necessary that the hands of

[*Second Reading—First Night.*

the Government should be set free by the abolition, on fair and just terms, of the system which fettered their course of proceeding. It had been asked how purchase offered as an obstruction to short service and large Reserves—principles which lay at the basis of a sound military system. But if purchase was not an obstacle in the way of those principles, it was a serious obstacle in the way of very many of the improvements required for our Army. His noble Friend on the cross-bench (Earl Grey) and the noble Earl (the Earl of Dalhousie) both sat on a very important Royal Commission on Army Promotion in 1854, which recommended certain changes with respect to the promotion of general officers; and the colonels of the Horse Guards afterwards addressed a Memorial to Her Majesty objecting to the recommendations made by that Commission on public grounds with regard to officers of the Guards, because they interfered with their rights on the faith of enjoying which they had expended large sums of money. He (the Marquess of Ripon) did not say who was right in that controversy; but the objection to which he referred was taken by officers of great weight and authority to the change so recommended by that Commission. If, again, they wanted to change the present organization of their regiments, and to have three battalions to each regiment, they would find difficulties immediately rising out of the just claims of officers to retain the position which they expected to occupy. In fact, they were met at every turn by questions arising out of the claims, it might be, of a single officer, which could not be disregarded without gross injustice. Formerly, the chief questions connected with the War Department that had to be dealt with related to fortifications, armaments, and the like; but after the lessons taught us by the wonderful events of the last few years, it behoved us, like every other country in Europe, to turn our attention to every branch of our military administration, and to introduce large improvements. But in order to do that it was essential to set free the hands of Government and of Parliament itself by abolishing on fair terms a system which fettered them at every turn. A good deal had been said with regard to “professional” officers, and his noble Friend the Under

The Marquess of Ripon

Secretary of State had been unjustly accused of casting a slur upon the officers of the Army; but what his noble Friend said, and said truly, was that they required for their infantry and cavalry regiments a more special professional training than had been given in times past. The qualifications which were formerly sufficient were not sufficient for the present day and for the future. The example of Prussia—the greatest military nation of the age—had shown beyond dispute that our infantry officers, the great mass of the officers of our Army—must be trained, and trained specially—as much as those of the Artillery and the Engineers. He believed that the question of promotion lay at the root of Army re-organization, and must be settled first. He entreated their Lordships to consider the position in which they would place the interest of the Army officers if they rejected the Bill. The principle of purchase was indefensible in principle; it led to illegality; it had been condemned by large majorities in the House of Commons, and by prolonging the controversy their Lordships would only prolong a state of uncertainty, would inflict a grievous injury upon the officers, and would destroy over-regulation prices as effectually as if it had been done by Act of Parliament, and would only succeed in shackling the hands of the Government and of Parliament for a short period.

LORD DE ROS said, that he must for a moment detain their Lordships, even at that late hour, to protest against the distinction which had been drawn by the noble Lord opposite between professional and non-professional officers. He must also say that he had the greatest contempt for the custom which too much prevailed of praising the Prussian officers at the expense of the English. He knew the Prussian Army and officers well, and he admitted that they were very efficient; but he wholly denied that they were in any respect better than our own, though of course recent experience in war had done much to develop their military capacity. He believed that in our own Army the principle of selection would be found to be utterly impracticable.

Then, on the Motion of the Duke of CAMBRIDGE, the further debate adjourned 'till To-morrow.

CHARITABLE DONATIONS AND REQUESTS
(IRELAND) BILL [H.L.]

A Bill to amend the Laws of Charitable Donations and Requests in Ireland—Was *presented* by The Lord O'HAGAN; read 1st. (No. 258.)

House adjourned at a quarter before One o'clock, A.M., 'till a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, 13th July, 1871.

MINUTES.]—SELECT COMMITTEE—*Thirty-first Report*—Public Petitions; *Sixth Report*—Public Accounts [No. 350].
PUBLIC BILLS—*Ordered—First Reading*—Turnpike Acts Continuance, &c. * [247]; Endowed Hospitals (Scotland) * [248].
First Reading—Owens College * [246].
Second Reading—Epping Forest * [224].
Committee—Elections (Parliamentary and Municipal (*re-comm.*) [103]—*R.F.*; New Mint Building Site (*re-comm.*) [223]—[No Report].
Committee—*Report*—(£10,000,000) Consolidated Fund *; Exchequer Bonds (£700,000) *; Public Libraries Act (1855) Amendment * [229].
Considered as amended—Tramways Provisional Orders Confirmation * [197].
Withdrawn—Education (Scotland) * [205]; Factory Acts (Brick and Tile Yards) Extension * [194].

PARLIAMENTARY RETURNS.

QUESTION.

MR. A. RUSSELL asked the Secretary to the Treasury, Whether it would be possible to state upon each Return or Paper laid before Parliament the cost of obtaining the information given and of printing the same, according to the practice of some of the Australian Colonies?

MR. BAXTER: Sir, as Returns are usually prepared by the ordinary staff of each Office, it would not be possible to give an absolutely accurate account of the cost of clerical labour; but there would not be much difficulty in stating it approximately. The cost of printing could, of course, be given. I have been for some time in communication with Mr. Speaker and the authorities of the House on the subject, and, unless general objection be taken to the change, I do not see why our practice should not be assimilated to that of some of the Australian colonies, and the cost of obtaining the information and printing the same

stated on the back of each Return. One Return, with reference to the Land Tax, lately moved for, but not yet printed, will cost £207.

JUDGE ADVOCATE GENERAL.

QUESTION.

LORD EUSTACE CECIL asked the First Lord of the Treasury, Whether it is the intention of the Government to fill up the office of Judge Advocate General, which has now been vacant for three months; and, if not, what arrangements are to be made for performing the duties of the office?

MR. GLADSTONE, said, in reply, that when a vacancy occurred in the office mentioned by the noble Lord in consequence of the much lamented death of Mr. Davison, his right hon. Friend the Secretary of State for War was desirous that there should be an opportunity of fully re-considering the duties of the office. It would, however, be hardly practicable to consider the whole of the subject satisfactorily at present; but it was the intention of the Government before the end of another Session to take the matter into their consideration with the view of having a representative of the office in his place in Parliament. The duties of the office were now discharged by the Judge of the Court of Admiralty; but the arrangement was merely provisional.

ARMY—CAMPAIGN MANŒUVRES IN
THE AUTUMN.—QUESTION.

MR. F. STANLEY asked the Secretary of State for War, Whether it is a fact that Volunteer Corps in Lancashire having applied for leave to join the proposed September "manœuvres," have been informed that it is intended to limit such permission to corps in the south of England; and, if so, whether it is under consideration to afford volunteers in other parts of the Kingdom any similar opportunities of acquainting themselves with field duties?

MR. CARDWELL, said, in reply, that the present being the first year of such manœuvres as those which it was proposed to hold in September next, it had been thought well to make Aldershot the base of operations, and that the corps which were to join in them should be selected from their contiguity to it.

He hoped that in future years corps from other parts of the country would have a similar opportunity of joining in these manœuvres.

VISIT OF THE CROWN PRINCE AND PRINCESS OF GERMANY.—QUESTION.

MR. MONK asked the First Lord of the Treasury, Whether he is able to inform the House, why the same hospitalities which are freely offered to Members of the Royal Family, when they visit Berlin, have not been extended to their Imperial Highnesses the Crown Prince and Princess of Germany; whether he is aware that there is a strongly-expressed feeling in Prussia, as well as in this country, at their Imperial Highnesses being allowed to take up their residence at Prussia House during their stay in London; and, whether any Correspondence on the subject has been received at the Foreign Office from Berlin; and, if so, whether he is willing to lay it on the Table of the House?

MR. GLADSTONE: In reply, Sir, to the last Question of my hon. Friend, I have to state that there is no Correspondence in the Foreign Office on the subject of his inquiry. In answer to the second, I may say that I am not aware of what feeling has been expressed in Prussia on this subject, beyond the fact that I have read an article in a German newspaper commenting freely on it. That, however, is, I am bound to say, a German newspaper which has recently contained statements calculated to excite the astonishment of every reasonable man. As to the main part of my hon. Friend's Questions I must express my regret that he has seen cause to make the circumstances to which it relates the subject of inquiry. The arrangement to which he has called the attention of the House is not one primarily and principally connected with foreign Sovereigns, but with tenderly attached and closely related members of Her Majesty's family. As the question has come up I have made inquiry with respect to it, and I can say, in the first place, that the statement made in *The Times* of yesterday is correct. The circumstances are as follows—An arrangement was made between Her Majesty on the one hand and the Crown Prince and Princess of Germany on the other, in accordance with which a visit was to be paid by those distinguished person-

Mr. Cardwell

ages to England. That visit was to have been paid about the middle of July—I think on the 15th—and it was fully settled that the Crown Prince and Princess, with their family and retinue, were to go to Osborne. That plan still holds good, and that visit will be paid. But the Crown Prince and Princess, in the exercise of their discretion, made—as, of course, they were perfectly entitled to do—a separate arrangement which was not known to Her Majesty until after it was concluded, and in accordance with which they availed themselves of the hospitality of the German Ambassador to spend a few days in London before visiting Osborne. That is the simple statement of the case, and the only part of the whole arrangements which has been modified is that Count Bernstorff, having been desirous of receiving the whole of the family of the Crown Prince and Princess, found that the accommodation at Prussia House was not sufficient for that purpose, and that it was necessary in consequence that the young Princes should be sent to an hotel. Her Majesty, however, hearing what was proposed to be done, at once requested that they should go to Buckingham Palace, and there they are now quartered. I may add that, although owing to an arrangement privately and separately made some misapprehension has arisen, I think we must all be glad that one of the results of this visit has been that an opportunity has been afforded the people of London generally of testifying the respect, regard, and, indeed, affection, which they feel for the Crown Princess and her distinguished husband, not only on account of the station of those exalted personages, but likewise because of the virtues and the high endowments by which that station is adorned.

THE CIVIL LIST—HER MAJESTY'S HOUSEHOLD.—QUESTION.

MR. DIXON asked the First Lord of the Treasury, Whether any action has been taken on the subjects referred to in the following paragraphs in the Report of the Select Committee on Accounts of Income and Expenditure of the Civil List, which sat in the Session 1837-8:—

“ Although your Committee have not had the means of examining into the subject with the minute attention that would enable them to form a definite opinion, they are inclined to think that

by Her Majesty's permission it would be a fit subject for inquiry, to be carried on by the Treasury and the great departments of the Household, whether the several existing offices of pay might not be united and consolidated, and a system simpler, more economical, and equally efficient substituted in their room."

"Your Committee entirely approve of the principle acted on in all the branches of the ordinary public service, by which sinecures of all descriptions have been abolished on the termination of the existing interests; the Committee consider this principle to be applicable to the departments of the Civil List, they therefore express their hope that with the permission of Her Majesty such inquiries may be instituted by the Treasury and the departments of the Household, and that such directions may be given as will enforce the application of this salutary principle from time to time;"

and, if any action has been taken on these propositions, whether the result could be communicated to Parliament?

MR. GLADSTONE, in reply, said, he could not exactly state what arrangements had been made with regard to the consolidation of the pay offices of Her Majesty's Household; but he had no doubt the necessary steps in the matter would be speedily taken, and that it might be looked upon as being practically disposed of. As to sinecure offices, the Treasury, while in communication with the Household, pointed out that it would be desirable, in the view of the Government, to draw a line between those offices which were properly sinecure and those which were of an active and responsible nature. That also, as he understood, had been done, and a number of sinecures had been abolished. In regard to others, it had been arranged that they should lapse at the expiration of existing interests. There were, however, a certain number of offices with respect to which he could not say that any positive arrangement had yet been made. He referred to offices which, although they entailed very little duty, were not to be called by the name of sinecure in an invidious sense. They were such offices as that, for instance, of the Poet Laureate, the duties of which, although the duties attached to it were slight, yet had been admirably performed by its present holder. As to offices of that kind which afforded the Crown the means of noticing distinguished merit, the decision must be reserved. In the case of a number of offices properly called sinecure, they were either abolished or arrangements were made for their lapse.

NAVY—MR. CUNNINGHAM'S INVENTIONS.—QUESTION.

LORD HENRY SCOTT asked the First Lord of the Admiralty, Why no remuneration has been made to Mr. H. P. D. Cunningham for his inventions for working heavy Guns, and for the time and means which he has devoted to the subject, when help was so urgently needed on the introduction of modern heavy armaments for ships and forts; whether it is not the case, that Mr. Cunningham has given up his time, at the request of the Admiralty and the War Office, without any kind of salary or allowance, such as has been made to Captain Moncrieff, Major Palliser, and Captain Scott, all of whom have received salaries irrespective of any money awards for their inventions; whether it is not true, that the plan of running in and out by an endless chain, as imputed to Captain Scott, has been claimed by Mr. Cunningham as his patented invention, and that he has repeatedly protested against the use of it without recognition of his patent right, for which, and his other inventions, private firms pay him royalty; and, whether he will lay upon the Table the Correspondence which has passed between the Board of Admiralty and Mr. Cunningham on this subject, and in regard to the question of remuneration for his inventions; and whether this is still under consideration?

MR. GOSCHEN replied, that the Question of the noble Lord read like an interrogatory in a Chancery suit on Patent Rights. It was both historical and argumentative, and involved very intricate and complicated private rights, to which it was impossible for him to do justice within the limits of an ordinary answer, and he would therefore confine himself to a brief statement of fact. Mr. Cunningham submitted certain inventions to the Admiralty, and being asked to specify them, drew up a schedule of eleven inventions, of which seven related to the Navy and four to the Army. The seven relating to the Navy were investigated by a Committee, which recognized one of them as an invention that had been adopted, and for which he ought to be rewarded. They made an award for that invention, which had since been acted upon. He was informed that, as in the case of most inventors, it was at his own request that Mr. Cunningham

sacrificed his time. One of these inventions was also claimed by Captain Scott; but he could not then go into the competing claims of those two gentlemen. The Correspondence mentioned was exceedingly voluminous, and would fill several Blue Books. He did not think it desirable to lay it on the Table; but any Member who desired to see the Correspondence could do so.

ARMY—REVIEW IN BUSHEY PARK.

QUESTIONS.

MAJOR ARBUTHNOT asked the Surveyor General of Ordnance, Whether he is aware that he was misinformed concerning the Field Battery of Royal Artillery which marched from Aldershot to Bushey Park on the occasion of the recent review; and, whether it is not a fact that fourteen men and twenty-eight horses were borrowed by that battery from a battery of another brigade for the march in question?

SIR HENRY STORKS: This Question, I submit, Sir, is one more for the Regimental Orderly Room of the Royal Artillery than for the House of Commons. The reply given by me on the 6th instant was, I am assured by the Deputy Adjutant General of Royal Artillery, correct according to the information at hand. The home peace establishment of men for a field battery is 144. The field battery which marched from Aldershot to Bushey Park had at the time of its march 143 men. It marched with 115 only, being 28 less than its actual strength. It appears by information subsequently received that the battery had 22 horses with their drivers (11 in number) from another field battery to horse extra waggons, and to increase the numbers of horses in the waggons in consequence of the length of the march. This was done by order of the Lieutenant General Commanding at Aldershot. The borrowed drivers are included in the 115 men which marched with the battery, so that it really left in camp at Aldershot 39 men belonging to it.

MAJOR ARBUTHNOT begged to give Notice that he would avail himself of the first opportunity presented by the forms of the House to call attention to the answers of the right hon. and gallant Gentleman on the subject. He begged,

in the next place, to ask the Surveyor General of Ordnance, Whether any means exist of providing the requisite men and horses to enable a Battery of Artillery to make such a march as that to Bushey Park without drawing upon other batteries, which are thus crippled, or upon the Depôt which is intended for the training of recruits; whether the Depôt is not at present considerably below its establishment; whether, when at its full strength, it is not only sufficient for its ostensible object, viz. supplying men to keep up batteries abroad upon a peace establishment; and, whether any steps are being taken to provide a *bonâ fide* Artillery Reserve, whereby batteries of Horse and Field Artillery may be expanded?

SIR HENRY STORKS: When the present peace establishment for batteries of artillery was fixed, it was not intended that they should make such a march as that from Aldershot to Bushey Park without receiving help in the way of additional transport, and it was then laid down that the transport so required should, when necessary, be furnished by the Army Service Corps. In consequence of the distance from Aldershot to Bushey, the Lieutenant General in command considered it necessary that the waggons should have additional horses; hence the necessity in this case for borrowing from another battery, the Army Service Corps providing for the general transport. The Depôt Brigade is complete in gunners, and has 139 drivers over its establishment. The depôt, when up to its full establishment, is only intended to supply men to the batteries serving in India and the colonies, the batteries at Malta and Gibraltar being at a full war establishment. In time of emergency the men in the depôt would, of course, be applied to filling up the horse and field batteries at home to the war establishment and for forming batteries in reserve, the draughts for India and the colonies being temporarily suspended. As regards the latter part of the Question, I may observe that short service under the Act of last Session has only as yet been applied to the infantry; but the Government agree with the hon. and gallant Member in the importance which he appears to attach to its extension to the Royal Artillery.

Mr. Goschen

LORD ELOHO: What is the distance from Aldershot to Bushey Park?

SIR HENRY STORKS: Twenty-five miles.

**POST OFFICE—TELEGRAPH SYSTEM.
QUESTION.**

In answer to Mr. WHATMAN,

MR. MONSELL said: The Post Office has completed a new line of telegraph along the high roads between London and Beachy Head, which line carries at present six wires from London to Beachy Head, eight from London as far as Polegate, ten as far as Tunbridge, and eleven as far as Sevenoaks, space being left spare on the poles for additional wires as occasion may hereafter require. The cost of such a telegraph along the roads as compared with the cost of putting it on the railway is not one-third greater. By adopting the high road for the Beachy Head line 22 miles of new line have been saved, and in parts the construction of this one line has been made to serve the purpose of two lines. It is estimated that, in maintenance and wayleave together, a saving of £638 per annum has been effected in carrying the Beachy Head line along the high roads in preference to the railway. The Post Office has not recently completed a new line of over-ground telegraph along the high roads between Liverpool and Manchester, nor has it any intention of constructing such a line. All that has been done is to replace a circuitous and defective line *via* the canal between Liverpool and Wigan by a direct road line 17 miles shorter. The Post Office is at present engaged in laying down an underground telegraph along the high roads between those two places. It is not the fact that underground telegraphs are acknowledged to be ineligible. Many years have elapsed since an underground line of any considerable length has been taken up and replaced by over-ground telegraphs, and the improvements which have since been effected in the processes of manufacturing and laying underground wires warrant, in the opinion of the engineer of the department, the expectation that the Manchester and Liverpool underground line may be permanently maintained—an expectation which is borne out by the experience gained of the durability of underground work in London and large provincial towns.

**ARMY—COMPETITIVE EXAMINATIONS
FOR WOOLWICH.—QUESTION.**

MR. HEYGATE asked the Secretary of State for War, Whether it is not a fact that co-ordinate geometry has been hitherto specified as one of the branches of mathematics for the competitive examinations for admission to Woolwich Academy; whether in the Regulations recently issued, and in conformity with which the examination of the present month is ordered to be conducted, the subject of co-ordinate geometry is not expressly omitted, all the other branches of mathematics being strictly defined as hitherto; whether, notwithstanding such omission, questions have not been given in that subject to the extent of one-half of one of the papers on Thursday last; and, whether any marks will be assigned to the candidates for their answers to those questions; and, if so, whether it would not operate unjustly towards those who, on the faith of the new Regulations, have not been instructed in co-ordinate geometry?

MR. CARDWELL: Sir, I have been informed that questions in co-ordinate geometry were given in one of the papers set on Thursday last, though not to the extent of one-half of the paper—it being the opinion of the Civil Service Commissioners that in an examination in mathematics, embracing among other subjects the differential and integral calculus, co-ordinate geometry, whether specified or not, ought to be regarded as included. As the Civil Service Commissioners, in accordance with this opinion, informed candidates who inquired of them on the subject that questions in co-ordinate geometry would probably be given, justice to those candidates requires that marks should be assigned for answers to those questions, notwithstanding that other candidates appear to have been led by communications from other quarters to expect that no such questions would be given. The Commissioners have not yet received the report on this part of the examination; but as the paper to which these remarks refer contained a number of questions considerably greater than any single candidate was expected to answer, they do not anticipate any difficulty in so arranging the marks as to do substantial justice to both classes of candidates alike.

PROTESTANT CEMETERY AT
FLORENCE.—QUESTION.

MR. KINNAIRD asked the Under Secretary of State for Foreign Affairs, Whether, in consequence of the closing of the Protestant cemetery at Florence, obtained through the intervention of the late King of Prussia, permission has been granted for the use of another cemetery purchased in part by foreign Protestants; and, if not, what reason has been assigned by the Italian Government for refusing such permission?

VISCOUNT ENFIELD: Sir, the ground purchased by the Protestant Burial Ground Committee at Florence, as the site of a new cemetery, although only a mile from the town, is within the jurisdiction of another Commune, that of Gallazzo, from which permission to use it had to be obtained. The Communal Council desired to withhold its decision, in consequence of a project to create in the same Commune a general necropolis for the city, of which a part would be set aside for non-Catholics. Pending the realization of this plan, which seemed far distant, the Government was urged to use its influence on behalf of the Burial Ground Committee with the Commune, which yielded so far as to allow a temporary use of the ground, on condition that it should be abandoned when the necropolis was opened. These conditions were refused by the Committee, and the Communal Council, with which the Government cannot interfere, so long as it acts within the law, refused positively in October last to permit them to commence their works on the ground. The question still remains unsettled, depending apparently on the creation of the new necropolis. Meanwhile the old cemetery has not been closed, and a general cemetery existed four miles from Florence, at Trespiano, where non-Catholics may be buried.

SOUTH AFRICAN DIAMOND FIELDS.
QUESTION.

MR. R. N. FOWLER asked the Under Secretary of State for the Colonies, Whether the Government have received any recent information in regard to the Diamond Fields of South Africa, and their proposed annexation; and, whether he has any objection to produce

the Correspondence and other Papers on the subject?

MR. KNATCHBULL-HUGESSEN: Sir, I have already informed the House that instructions have been sent out to the Governor of the Cape authorizing him to accept the proffered allegiance of the Chief Waterboer, to whom at least a large portion of the territory of the Diamond Fields belongs. The annexation of his territory has also been authorized, provided the Cape Colony is willing to undertake the responsibility of governing it. Owing to unavoidable causes there has been a delay in the receipt of Sir Henry Barkly's answer to the despatches conveying these instructions. Negotiations are still in progress respecting the disputed territory in the Diamond Fields, and any Correspondence presented upon this subject at the present moment must necessarily be incomplete; but as soon as full information has been received there will not only be no objection, but every readiness on the part of the Government to lay full Papers on the Table of the House.

IRISH BUSINESS.—QUESTION.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, If he will state to the House when the Bill to facilitate the erection of Labourers' Houses, Ireland, will be introduced; what Irish Bills are to be persevered with this Session; and, whether the Irish Education Vote will be proceeded with in sufficient time for a fair discussion to arise upon the merits of the case?

THE MARQUESS OF HARTINGTON, in reply, said, there had been some unavoidable delay in obtaining information on the subject of labourers' houses in Ireland. There were two Irish Bills which had passed the House of Lords, and which the Solicitor General for Ireland was in hopes to pass through the House of Commons—namely, the Grand Juries Bill and the Judgments Bill. It was also hoped that the Bill for amending the Local Government (Ireland) Act might be passed; and the Solicitor General for Ireland was not without a hope—though in this case his hope was not so sanguine as in the other cases—of passing the Debtors and Bankruptcy Bill. There were also two smaller Bills,

which would not, he believed, take much time, and the passing of which would give general satisfaction—namely, the Bill to amend the Maynooth Act and the Beerhouses Bill. It was the intention of the Government to ask the House to agree to a Vote for Irish educational purposes to-morrow.

INHABITED HOUSE DUTY.

QUESTION.

MR. MUNDELLA asked Mr. Chancellor of the Exchequer, If he proposes during the present Session to relieve bankers, merchants, traders, and professional men who leave their business premises in the care of a watchman and his family from the charge of an Inhabited House Duty?

THE CHANCELLOR OF THE EXCHEQUER: This is a duty which is imposed upon persons very willing to pay; it is imposed by law; I want that money, and if I do not get it from them I shall probably have to take it from some others less able to pay.

GIBRALTAR—ALIENS.—QUESTION.

SIR JOHN GRAY asked the Under Secretary of State for the Colonies, Whether it is a fact that an alien residing by permit in Gibraltar, who marries a wife who is a British subject, is deprived of his permit if his wife remains at her home in Gibraltar on the occasion of her confinement?

MR. KNATCHBULL-HUGESSEN: Sir, there has been for many years past a regulation in force in Gibraltar which at first sight appears to bear hardly upon ladies at an epoch of their existence peculiarly interesting. The reason of this regulation is to be found in the necessity of restricting the number of those who, born as British subjects, have claims to reside upon the circumscribed area of the fortress. This regulation, however, has been under consideration, and we are now awaiting a promised Report from Gibraltar upon the subject. When that Report has been received, the matter will be fully considered and decided upon, the decision being taken with a due regard, in the first place, to the health of Gibraltar, and its safety as a fortress.

ARMY AND NAVY ESTIMATES.

QUESTION.

MR. G. BENTINCK rose to ask the First Lord of the Treasury, When it was intended to proceed with the Army and Navy Estimates; and, as he wished to make a few remarks, he would put himself in Order by moving the adjournment of the House. This was the seventh time in the course of a very few weeks that he had thought it his duty to put this Question to the right hon. Gentleman at the head of Her Majesty's Government, and on no single occasion had he been able to extract an answer of any description from the right hon. Gentleman. The importance of the subject involved in his Question did away with the necessity of his offering any apology to the House for the course he had taken. His Question practically involved an accusation against the Government, and, he might also say, against the House; and he hoped, therefore, to have the attention of both while he made the remarks he was going to make. ["Oh, oh!"] He was perfectly in Order if hon. Members would only extend to him that courtesy which they generally extended to Members addressing the House. Now, he apprehended no hon. Gentleman would attempt to deny that the first duty of the House of Commons was to carefully scrutinize the Estimates for the year, and the duty became more imperative when the Government and a majority of the House was composed of right hon. and hon. Gentlemen who had been always loud in their professions of economy. What was the course which the Government had taken up to the present time? They were persistently deferring the consideration of the Army and Navy Estimates to a period of the Session when all scrutiny on the part of the House of Commons became utterly impossible. It was very often the case that a precedent was quoted as a justification for some course of action; but, with the exception of the course adopted by the present Government last year, there was none, so far as he could find, for deferring the consideration of the Army and Navy Estimates to so late a period of the Session. During the preceding ten years, with the exception of last year, the consideration of these Estimates had never been deferred to so late a period of the Session. And he

found, moreover, that the preceding Government had not adopted the course pursued by the present Government, but they had brought up the Estimates at a time which afforded an ample opportunity to the House of discussing them, and he hoped to have their assistance in discountenancing a course which he held to be utterly unconstitutional. There were other reasons why it appeared to him to be positively culpable on the part of the Government for not bringing the Estimates forward sooner—namely, charges had been brought against the Government which it seemed they were very much disinclined to meet. His right hon. Friend the Member for Tyrone (Mr. Corry) had a very strong case to prefer against the Government, and his hon. Friend the Member for Portsmouth (Sir James Elphinstone) had also had pending against them for weeks a charge which he had had no opportunity of bringing forward. Now, when such charges were pending against any Government it was their duty to give an opportunity of making these charges fairly and frankly, instead of adopting an unconstitutional course of trying to deal with them. But there was still a stronger reason for calling the attention of the House to this subject. He had ascertained within the last three or four days, that in consequence of the delay involved in considering the Army and Navy Estimates, there would be a considerable increase of expenditure, owing to the facts that the contracts required for building purposes in the engineering department could not be entered into and finished at so late a period of the year without largely raising the amount, in consequence of the approach of shorter days and bad weather. So that they were actually paying more on certain building works connected with that Department because Government refused to bring forward their Estimates. He left that to the consideration of hon. Members opposite, who were advocates of economy. This course had been taken by a Government who had come into office on a cry of economy. They had heard of nothing but retrenchment when the present Government took office. It was impossible to know what the opinions of the right hon. Gentleman at the head of Her Majesty's Government were at any particular period of the year. That which the right hon. Gen-

Mr. G. Bentinck

tleman held to be black last year he held to be white now; and therefore it was needless to waste time considering what his opinions were. But there were other right hon. Members of the Government who were also sharing in what he considered to be an unconstitutional course; there was the right hon. Gentleman at the head of the War Department—why, he came into office notoriously for the purpose of affecting retrenchment. They had the authority of a noble Earl in "another place," who had stated distinctly that the right hon. Gentleman was put in the position he now occupied to carry out a system of retrenchment, and the noble Earl had added that he had ably fulfilled his task. Next, there was the right hon. Gentleman the First Lord of the Admiralty; he was also closely connected with the retrenchment party, and he also advocated a most rigid economy. What was the course he had proceeded upon? He was a party to protracting the Estimates, a party to the policy which did not give the House an opportunity of discussing them. He would now appeal to a more powerful section of the House than Government. He would appeal to hon. Members below the gangway who, until a few days ago, had always governed the Government. He regretted the change which had taken place in this respect. There had certainly been an indication that Government was losing its power; but now there was a remarkable and ominous silence on the Liberal benches. He trusted, however, these days were over, and that hon. Members opposite would—

Mr. RATHBONE rose to Order. He wished to know whether it was open to the hon. Member to discuss every possible subject on the Motion for Adjournment.

Mr. SPEAKER: The House, when deciding that debates should not be permitted to arise when Questions were asked, reserved cases of emergency when a Member might obtain the privilege of speaking for moving the adjournment of the House. That point was considered in the Committee on the Business of the House, and it was agreed not to disturb the existing state of the Rule, but to leave it, in the hope that discretion would be ever used, and great forbearance practised regarding the Business of the House; and under that impression, and

with that understanding, the Rule was maintained as it now stands.

MR. G. BENTINCK said, that when he rose to address the House he took upon himself the entire responsibility. He thought it was not quite becoming on the part of hon. Members opposite, to say nothing of the courtesy, to endeavour to stop a discussion which involved a certain amount of censure on themselves. He had to ask hon. Members opposite, who had always been the loudest in advocating economy, whether they were prepared to sanction an evasion of the old rules of practice in that House, and to allow the Army and Navy Estimates to be deferred to a period of the Session when it was no longer in their power to scrutinize them? Hon. Gentlemen opposite had been very fond of charging them on that side of the House with being advocates of extravagance; but who were now the advocates of extravagance? Hon. Gentlemen opposite should bear in mind that they had already sanctioned during the Session an expenditure of about £40,000,000 for which they had nothing to show, and they were then about to sanction the course taken by the Government in refusing the appeal which he made to them to bring forward the Estimates at a time when they would be properly and fairly discussed. He asked them whether they were willing to relinquish their just rights as Members of that House and to neglect their first duty to those who sent them there. ["No!"] He was glad to hear that hon. Members were so independent, not only of the Government, but also of their constituents; but when they came to give an account of their conduct during the present Session, they would have a very strange tale to tell. He would recommend them, in the short time left to them, to do something to retrieve their character. He would ask the House not to sanction a course which was unconstitutional, which deprived them of their first rights, and which, if persevered in, would add to the burdens imposed by taxation on the people of this country. He intended to divide the House on this occasion, and to take the division as a test whether hon. Members were or were not determined to support the Government in the course they were adopting, so that the country might know on whom it could trust and on whom it could

not. He moved that the House do now adjourn.

SIR FREDERICK W. HEYGATE, in seconding the Motion, referred to the ruling of the Speaker—that anyone who had asked a Question, and imagined that it related to a matter of urgency, would probably receive attention from the House—and, having remarked that he was not in the habit of obstructing Public Business, said the answer he had received from the noble Lord the Chief Secretary for Ireland, with regard to the hour when the Irish Education Vote would be taken, would justify him in saying a few words. He wished to recall to the memory of the Chief Secretary a deputation which he received on that question—one representing the very large body of Irish schoolmasters who brought forward the grievances under which they long suffered, and his reply given to them that the question should be considered by the Government and disposed of. From that hour the matter had been neglected, and the noble Lord now bid Irish Members wait until the Irish Education Estimates were discussed, when he said there would be an opportunity of debating the whole question. At this advanced period of the Session, when the matter would probably come on at the end of a long Evening Sitting, or after a great number of Notices of Motion on going into Committee of Supply had been disposed of, he wished to ask whether the answer he had received was worthy of the subject, or in any way calculated to satisfy those who were interested in it? He hoped that the Prime Minister would state to them precisely how the matter stood, and would give them some definite information upon the subject.

Motion made, and Question proposed, "That this House do now adjourn,"—*(Mr. Bentinck.)*

MR. GLADSTONE: The hon. Member for West Norfolk says it is the first duty of Members of the House of Commons carefully to examine the Estimates. I take exception to that statement. There is one other duty—though there may be only one—that takes precedence of it, and that is to observe, in their spirit as well as in their letter, the Rules and Orders of the House. The hon. Gentleman said he placed himself in Order by moving the adjournment.

There is a line of Tennyson which runs—

“His honour rooted in dishonour stood.”

And I will take the liberty of parodying it and saying—

“His order rooted in disorder stood.”

The hon. Member, it appears to me, professing a discretion, abused that discretion, and has done so for the purpose of obstructing the Business of this House. If the hon. Gentleman thinks the Government has done wrong in not setting aside the legislative business on which it is now engaged for the purpose, not of introducing the Army and Navy Estimates, but of taking the remaining Votes in them, the hon. Gentleman has plenty of legitimate opportunities of raising that question—the financial Motions and the Orders of the Day that are made every week give the hon. Gentleman those opportunities. However, he says he has acted on his own discretion, he assumes the responsibility of raising this discussion. In the same manner I act upon my discretion, and I assume the responsibility of declining to enter into it. I shall be perfectly ready if the hon. Gentleman, when Supply is moved, or on any other regular occasion, chooses to call attention to what he may think a very needless expenditure of time, and I shall deem it my duty, out of respect to him and the rights of Members of the House, freely to debate the question whether we have done right or wrong in proceeding at the present juncture with legislative business rather than taking the remaining Votes in Supply; but upon the present occasion, when the hon. Gentleman is, it appears to me, misusing the discretion which undoubtedly the forms of the House give, I feel it also to be my duty entirely to decline to follow him, and to refrain from discussing either that subject or the subject raised by the Seconder of the Motion with respect to the question that he had put. With reference to the latter, however, it is my duty to make reply that I can only say we are very desirous to find time when we can to proceed with the remaining Votes in Supply; but we are not prepared to name a day for the purpose until we have made further progress with the Elections (Parliamentary and Municipal) Bill.

SIR JAMES ELPHINSTONE considered that an hon. Gentleman taking the course which had been adopted by

Mr. Gladstone

the hon. Member for West Norfolk (Mr. G. Bentinck), he must act under a deep sense of responsibility; but on the present occasion he was ready to bear his share of the responsibility, because he considered that the question under discussion was one of the most important that could come before the House. There were Notices on the Paper as to which he agreed with his hon. Friend the Government were neither anxious nor prepared to meet them. He had a Notice with reference to the Navy Estimates—

Mr. BOUVERIE rose to Order, and called attention to the fact that the hon. Member for West Norfolk had on the Paper for that day a Notice of Motion—

“That it is not expedient that the consideration of the Navy and Army Estimates be longer deferred.”

In the ordinary course of business, this Motion would come on after the Orders of the Day, this being a day on which the Orders had precedence. The present Motion was one for adjournment, and it was out of Order now to discuss by anticipation that of which the hon. Member for West Norfolk had given Notice. This would be giving precedence to a Notice of Motion over Orders of the Day, contrary to the settled order of business. They could not in that way anticipate a separate Notice of Motion which stood for subsequent discussion after the Orders of the Day had been read.

Mr. SPEAKER: The right hon. Member (Mr. Bouverie) is perfectly correct; and the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) is not in Order in introducing on the present Motion questions which would arise upon a future Motion of which Notice has been given.

SIR JAMES ELPHINSTONE bowed to this decision, and would not pursue the matter further than to say that hon. Members, in postponing the consideration of the Estimates to a period of the Session at which they could not be discussed, were pursuing a course which they could not justify to their constituents. He repudiated the insinuation of obstructiveness, and affirmed that hon. Members on his side of the House had as strong a wish as any others to forward Public Business—[“Oh, oh!”]—that was, the legitimate public business of the country—as any hon. Member in

the House or the Government themselves; but when they saw the Session overlaid with measures brought forward simply to be withdrawn, whilst the real Business of the House was kept in abeyance, he could not desist from assisting his hon. Friend in his endeavours to get real business expedited and brought before the House when it could be properly considered.

MR. NEWDEGATE said, nothing could be more remarkable than the apparent acquiescence of hon. Members on the Government side of the House in a great change attempted in the manner of conducting the Public Business. The Prime Minister had said that the first duty of the House was legislation, and not the guardianship of the public purse. ["No, no!"] That maxim was novel, and it was with regret he found it apparently accepted by hon. Members opposite, filling as they did the places of those who formerly maintained that it was the first right and duty of the House to guard the public purse. There was a great contrast between the neglect of this duty now and the manner in which it had been performed by Mr. Hume and others; and if many hon. Members had had the opportunity of witnessing the proofs of research and ability formerly brought to bear upon this subject as he (Mr. Newdegate) had, they would be equally conscious of the contrast between the past and the present conduct of the occupants of those benches. The general conduct of Public Business had been referred to a Select Committee, which had been reported, but its Resolutions had been totally disregarded. As a Chairman of that Committee the Chancellor of the Exchequer sought to induce the House to change its ancient forms, so that the legislation proposed by the Government might take undue precedence over the Motions of individual Members, and the Estimates. The Committee did not acquiesce in what was thus proposed to it on the part of the Government, and yet hon. Gentlemen were now practically opposing the decision of the Committee by sanctioning the course which was recommended by the Government. Agitation had been transferred from the country to this House; Session after Session the Government brought in sensational measures of a subversive character, which engaged the attention of the House to

the total displacement of its legitimate business. This novel course was not conducive to the maintenance of the due position of the House in public estimation, and the House was losing ground in public opinion by departure from well-established precedents. He was glad the hon. Member for West Norfolk (Mr. G. Bentinck) had called attention to this change, for hon. Members opposite seemed to conceive that support of the Government, by voice and by silence, was the sole object for which they were returned; they seemed willing to merge their individual character in party distinction, and they were sacrificing that which this country valued—individual, direct, and independent representation of the constituencies in that House. He wished to call the attention of the Prime Minister to the fact that there was no opportunity at which the hon. Member for West Norfolk could bring forward the Motion of which he had given Notice at any reasonable hour of the day, and to inquire whether, as Leader of the House, he intended to afford facilities for discussing the substance of that Notice. In reply to the remarks of the right hon. Member for Kilmarnock (Mr. Bouverie) that the present Motion was irregular, as touching the Notice on the same subject given for that day by the hon. Member for West Norfolk, he (Mr. Newdegate) would remind the right hon. Gentleman of his own Motion, that no controverted business should be commenced at half-past 12 at night, which had been adopted by the Committee on Public Business and formed one of their Resolutions; and the right hon. Gentleman the Member for Kilmarnock who carried the Resolution to this effect in the Committee on Public Business must feel that his own Resolution virtually condemned his recent observations upon the Motion of which Notice had been given by the hon. Member for West Norfolk; for he must perfectly well know that it was impossible for the hon. Member to bring forward that Motion at an hour that night which was proper for its discussion.

MR. DISRAELI: I am unwilling to prolong this interruption to the ordinary course of Public Business, but after the conversation which has occurred, and the remarks made by the Prime Minister, I cannot be silent, lest from my silence it should be inferred that I am not sensible

of the extremely embarrassing circumstances in which the House is placed, and which are every day becoming more and more embarrassing, with respect to the transaction of Public Business. I must say I am not surprised that the hon. Member for West Norfolk (Mr. G. Bentinck), or any other hon. Member, should call the attention of hon. Members to what is their first duty. Perhaps the hon. Gentleman might have seized a more convenient opportunity; but I confess that I am at a loss at this moment to assist him or any other hon. Member who wishes to bring forward such a question in finding a more convenient opportunity. There have been imputations of faction made against hon. Gentlemen on this side of the House, and against some hon. Gentlemen on the other side of the House, but there is one kind of faction of which they cannot be guilty; it certainly cannot be said of them that they had attempted to stop the Supplies, for we have not had for some time a Committee of Supply to give them the opportunity of doing so. In the remarkable state in which the Business of the House is now placed, I want to know how any hon. Member can obtain any redress whatever except by a Motion like the present. After the technical objection which has just been taken by the right hon. Member for Kilmarnock (Mr. Bouverie), and which I believe is just, I will not treat of the Army and Navy Estimates save to make this observation, which I have a right to make—that there has been an important Committee of the other House of Parliament on the state of the administration of the Navy, that the Report of that Committee has been sent down to this House, and that a right hon. Gentleman, a friend of mine (Mr. Corry), who, it will be agreed on both sides of the House is competent to offer an opinion upon it, has no opportunity of bringing the matter forward. That is a question which of all others must interest the nation, and there should be, at least in this House, a feeling that it becomes those who manage Public Business to give due opportunities to Members on both sides to bring forward questions of such paramount importance. I think there are other Members who are waiting for opportunities to bring Motions forward. I do not know what Scotch Members think, but no doubt they are satisfied.

Mr. Disraeli

Scotch Members are always satisfied—[“No, no!”]—always satisfied, I mean with the existing administration. But I am not aware that the conduct and progress of Scotch measures this Session has been such that hon. Members can rejoin their constituencies with cheerful countenances. I am surprised that Scotch Members have not expressed their dissatisfaction with the position in which popular education in Scotland is placed, and have stopped in their career to endeavour to ascertain what is the cause of it. We have other matters of gravity before us, and among them the recommendations of the Sanitary Commission. There is no subject of greater moment for the defence of the country than the health of our countrymen. We talk of our first line of defence and of our last; but, after all, both depend upon the health of the country, and every year we are becoming more degenerate, and the rate of mortality is increasing among us from our neglect of those recommendations of the Sanitary Commission which the Government are pledged to legislate upon. Here is the Session over, and not a single measure passed. What is the cause of it? I say we have a right to ask. In old days it used to be said that the principal duties of the House of Commons were to guard the public purse, and to secure the due administration of justice. I say nothing in addition to what has been said about the public purse; but if there was anything of primary importance, scarcely inferior to the defence of the kingdom and the Empire, it was the necessity for establishing immediately a tribunal of ultimate appeal. The neglect by Parliament of its duties in that respect has led to the greatest difficulties and even dangers to our Empire; yet here is Parliament on the point of being prorogued. We have at the utmost another month. [“No, no!”] Will you in the course of that month be able to establish a tribunal of ultimate appeal becoming the occasion? Will you be able to legislate in unison with the recommendations of the Sanitary Commission? Will you be able to consider the administration of the Admiralty Board? Why not? Because you are engaged upon something else which has forced you to neglect your most valuable public duties, and is the cause of the House of Commons being placed in a situation in which it is fast losing the

consideration of the country. What is that "something else?" It is the Ballot—a Bill which I will say was the most unnecessary measure that could be brought into Parliament; for it is a measure merely to put into practice the ideas of a past generation, and to use old and antiquated materials which all practical men have always viewed with suspicion, and which now the most advanced philosophers repudiate and reject. Why is this Bill brought in to absorb the attention of the House of Commons? Why are all this time and labour to be diverted from the fulfilment of those great public duties to which I have adverted? Why is all this old stuff brought before us? Only because the Prime Minister has been suddenly converted to an expiring faith, and has passionately embraced a corpse. An hon. Gentleman contradicted me, or, at least, denied the justice of my observation, when I said that our labours are nearly at an end. I repeat, however, that we have arrived at a period when we should all contemplate the termination of our labours; but let us hope that we may have an opportunity of regaining our character, and that we may in the course of the month that is left be able to do something which will enable us to meet our constituents without shame. But do you think that will be done by spending your nights and mornings upon such a worn-out antiquated frivolity as secret voting? Secret voting is a process which would very well have suited the contracted constituencies of the 18th century or the beginning of the present one; but our existing constituencies, which contain large numbers of voters, are quite superior to anything like general corruption, and are animated by a sympathy so extended that they could protect any part of their body from anything like oppression. Do you think that those large constituencies will be satisfied that we should pass our days and nights in such a labour, when we are neglecting such important subjects as the popular education of Scotland, and the recommendations of the Sanitary Commission on which the Government are pledged to legislate and on which the public health depends? All these matters are entirely neglected; and there is a rising conviction in the public mind that we are neglecting all the substantial subjects, which as practical men and real legislators for

the people and their interests they look upon us to fulfil and to accomplish.

Question put, and *negatived*.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (*re-committed*) BILL.—[BILL 103.]
(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*)

COMMITTEE. [*Progress 11th July.*]

Bill *considered* in Committee.

(*In the Committee.*)

Mode of taking the Poll.

Clause 3 (Regulations as to polling).

MR. J. LOWTHER moved in page 3, line 15, to leave out all after "municipal," and insert—

"Any voter may, in compliance with the provisions hereinafter contained, give his vote by a voting paper instead of personally."

MR. LIDDELL regretted to observe an apparent disposition in a large number of Members to decline the discussion of the many very important matters contained in the Amendments proposed to be made in this Bill, because it appeared to him that if there was one measure more than another demanding calm discussion and deliberation, it was that one now under consideration. He rose to support the Amendment of his hon. Friend from the conviction that if adopted it would remove most of the evils which they so much dreaded from the operation of the Bill in its present form. He thought that those Members who opposed the Ballot would be very uncandid if they did not admit it to have some advantages, one of which was that it tended to secure tranquillity and order at elections. But that result would be much better secured by the adoption of voting papers than by the personal attendance of the voter at the poll. The voting papers would also go far to prevent the demoralizing influences to which constituencies were exposed in attending in crowds at the poll. The ex-Prime Minister of New South Wales, in his last letter to the Government, speaking of the Ballot, said that under it promises were made which had no binding effect, and that personation was an evil of so serious a character that it was an indispensable duty on the part of the Legislature to take immediate measures to check it. Were not those demoralizing influences resulting from the system of secret voting? He must take exception to an observation made

by the right hon. Gentleman the Leader of the Opposition—namely, that this was an “old and antiquated” question. It was true that in a certain sense it had been from time to time discussed in this country during the last 30 years; but the people had never until now been brought face to face with it. He had always looked on it heretofore as a sort of playground for a certain class of politicians to disport themselves when it suited their own purposes to do so. But it had never until now presented itself to the eyes of the people in a really practical form. It was, therefore, their duty to discuss its merits or demerits with the most serious consideration. He thought that the mode of taking the votes suggested by the Amendment of his hon. Friend was calculated to give them all the advantages of the Ballot, without its great disadvantages. It was no doubt true that the voting papers might be tampered with; but was there no danger of the ballot-box being tampered with? Was it not a matter of notoriety that in a neighbouring country the ballot-boxes had been tampered with by the officials employed about them? They had even heard of the ballot-boxes having been stuffed and broken into pieces by excited and disorderly crowds. Now those evils could be guarded against by the adoption of his hon. Friend’s Amendment; and the system of voting papers would be found to be the most complete, efficient, and economical arrangement that could be devised for collecting the votes. In the event, too, of the franchise being extended to women, it was obvious that voting papers would be necessary to enable them to exercise their rights in a satisfactory manner. That system would also remove the danger of hasty and excited expressions of opinion, inasmuch as it would enable the voter in the quietude of his own room to arrive at a cool and dispassionate judgment of the merits of the respective candidates. He attached the greatest importance to the fact that the voter would not be removed from the wholesome influence and action of public opinion in thus recording his vote. It was a great advantage to keep the voter under the public eye in voting, because a man under such circumstances was more careful of his actions than he otherwise would be. So long as personal attendance was required at the poll the voter must be liable to a great deal of

Mr. Liddell

disturbance and solicitation; but if he had to deliberate in his room, and record in writing the name of the person for whom he voted, he would be relieved from it.

Mr. W. E. FORSTER said, his hon. Friend the Member for York (Mr. J. Lowther) must excuse his following him through his arguments against the Ballot, because by doing so he would have to repeat in almost the same words what he had already frequently stated in the course of this debate. He could assure the Committee his motive for not repeating himself was to save time. The Amendment of the hon. Member was intended, however, as an alternative scheme to the most important provision of the Bill, and, therefore, he would make a few remarks upon it. The system of voting papers was not unknown in this country; but of all the systems employed it produced the greatest evils, and was the most exposed to abuse. Indeed, it was hardly possible to conceive a system under which more influence could be brought to bear on the voter than under that adopted for the election of Poor Law Guardians. The system next proposed was that brought forward by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) in his Reform Bill, and finally rejected by Parliament. It was then intended that the system already applied to the University constituencies should be extended to Parliamentary elections generally, and it would appear that the Earl of Carnarvon was the real parent of the scheme now submitted to the Committee, for during the discussion in the other House the noble Earl proposed that the voting paper, after being signed before a magistrate, should not be returned to the elector, as was done in the case of University elections, but that the magistrate should himself forward it to the returning officer. Such a system might be applied with comparative ease to a small number of select constituencies; but if it were made general, the magistrates would hardly be sufficiently numerous to get through the work. Besides, it would be difficult to prevent a person who had voted once from voting again. His great objection to the plan, however, was based on principle. Not only was it no substitute for the Ballot, but it would actually intensify the evils caused by the existing method of voting. It would have all the disadvantages of

secret voting, without the advantage of its protection. The Ballot would diminish the motive to bribe and destroy the power to coerce; but the proposed scheme would fail to accomplish that object. When the proposal of the right hon. Gentleman the Member for Buckinghamshire was under consideration in that House, the Marquess of Salisbury (then Lord Cranborne) truly described it when he said that "all the clause did was to carry the poll into every magistrate's drawing-room." The hon. Member for York would go further and carry the votes into the magistrate's pockets. The county and borough magistrates would in this, as in other cases, perform their duty honestly and fairly; but it would be unfair to impose upon them a duty which would expose them to every kind of accusation. It appeared to him that the mere description of the hon. Member's plan was almost sufficient to condemn it.

MR. BERESFORD HOPE advocated the extension to the whole country of a system of voting papers similar to that which had been so successfully applied in the University constituencies. It might be urged that the University voters were men of a certain social position, and that a system might be well adapted for them, and yet quite unsuitable for more miscellaneous constituencies; but the hon. Member for York's scheme met that objection by providing—first, that when a voting paper was once executed it should not be returned to the voter but forwarded by the magistrate to the returning officer; and, secondly, that every paper should be issued by the returning officer and have a counterfoil so that it might be easily traceable; whereas in University elections they were provided by the candidates according to the form enacted in the statute. The voting paper was not intercepted by anyone, but collected by the candidate or his friends, and sent to the University. Judging from the University elections they might reasonably come to the conclusion that voting papers, under the plan suggested by the hon. Member for York would work well. The Ballot would increase rather than prevent bribery, corruption, and intimidation, and if the Ballot was to make elections more orderly, quiet, and sober, what could be more orderly, quiet, and sober than taking the votes as suggested? It would be almost philosophically stupid

to those who liked a little fun and excitement at election time to have to go into the office of a magistrate, stand hat in hand at the end of a table before him, write his name, and see the magistrate pigeon-hole the paper, and the voter never again sees that recorded testimony of his opinion. It was unfair to adduce the example of Australia to show that tranquillity at elections was produced by the Ballot, because there the voters were comparatively few in number and scattered over a vast extent of country. In Victoria, for example, there were only about as many voters as in a metropolitan borough, although the colony was nearly five times as large as England. He believed that by the means of voting papers they would secure a much more quiet and orderly election than they did under the present system, or than they would under the new-fangled scheme of voting by ballot.

MR. RAIKES said, there were three points on which voting papers deserved the consideration of the House. In the first place, they would protect the voter against mob violence; secondly, they would shelter him from such practices as "bottling" or kidnapping; and, thirdly, they would enable a larger portion of a constituency to vote than under any other circumstances, thus securing a fuller representation. Thus voting papers possessed advantages over the Ballot, which would not preserve a man whose political opinions were known from violence or inducements not to exercise the franchise. But he should also be glad to see voting papers introduced so as to enable the Government to consider the possibility of establishing in connection with them a system of fining electors who declined to vote. ["Oh, oh!"] Some hon. Members appeared to object to such a principle; but he, for one, at all events, did not see, if a man was intrusted by the State with the right of voting, why he should shirk the duty, and he should be glad to have some system under which they would be able to exert a mild pressure on those who declined to record their votes.

SIR EDWARD COLEBROOKE objected to both the Ballot and the voting papers as one-sided measures, but was glad the Government intended to consider the possibility of multiplying polling-places. He thought, however, that voting papers might be introduced for

voters residing at a great distance from the polling-place, or in cases where electors were disabled by illness or infirmity from going to the poll. An hon. Member had placed an Amendment on the Paper in relation to one of these suggestions, and he hoped it would be persevered in.

MR. GATHORNE HARDY said, he thought the hon. Member (Sir Edward Colebrooke) had made out a case for supporting the Amendment, which would be necessary in order to carry out his views for the use of voting papers, even to a limited extent. The right hon. Gentleman opposite (Mr. Forster) assumed in the remarks he had made on this subject everything favourable to the ballot, and everything unfavourable to voting papers. He assumed, for instance, that the Ballot was certain to cure intimidation, and that voting papers would be equally certain to favour bribery; but he had overlooked the possibility of persons wishing for voting papers to enable them to vote in a quiet manner without fear of the consequence. He should be glad to see the system of voting papers carried much further. He did not believe that since 1867, when an Amendment was made with respect to voting for Poor Law Guardians, there had been the same corruption in connection with them as there was before. He believed that a system of voting papers would, if properly carried out, not only tend to reduce the expenses connected with polling-booths and so on, but greatly lessen attempts at bribery and intimidation. The voter would be protected from those influences, because the corrupting agents usually employed would, in the absence of any knowledge as to the state of the poll, not know how to work, because the voter would be no longer under the necessity of making his way to the poll through the midst of crowds and mobs, and because under a system of voting papers they would get the opinion of the whole constituency, a thing which he believed to be impossible either under the present system or with a system of voting by ballot. As to riots, he did not see how they would be prevented by the Ballot, because all such occurrences had reference to persons whose opinions were known, and many had taken place before the election. Of course, the right hon. Gentleman would not propose the

Sir Edward Colebrooke

Ballot as a cure for bribery unless he believed in its efficacy; but they said it would not be a protection, and, in fact, the argument as to prevention of bribery had been given up by many supporters of the Ballot. At any rate, if voting papers were properly managed no more bribery would take place than with the ballot. Then, again, with regard to coercion, supposing the Ballot to be adopted, employers would in some instances be able to prevent persons from going to the poll unless they agreed in their views. Under a properly administered system, voting papers would be used freely by the great mass of the voters without intimidation or bribery or anything but a desire to vote conscientiously, while by bringing in numbers of respectable and orderly voters, who did not now take part in elections, they would remove much of the inducement for bribery or intimidation. He ventured to assert that there had never yet been an election in the Metropolis where the great mass of the voters had exercised the franchise; but if voting papers were introduced, the opinions of the constituency would be more fully represented. Having already advocated these papers in a Bill in Parliament, he now supported them against the Ballot as a more satisfactory means of arriving at a solution of this question, and he hoped the Committee would adopt the proposal.

MR. GRAVES said, that voting papers would relieve the pressure upon the election machinery in large constituencies, and this was the more necessary as the hours of polling had not been extended. The papers would also be most useful to the important seafaring classes connected with the coasting trade, and to pilots and to fishermen, who could not at present exercise the franchise without difficulty and loss. These classes of electors took a deep interest in maritime affairs, and even if the proposal went no further he would be glad if they, at all events, were enabled to vote by means of papers. He hoped the Government would seriously consider that point.

MR. WHEELHOUSE considered that voting papers were necessary for sick persons and such electors as found it impossible from weakness or other causes to make their way through crowds to the poll. If there was any reason for allowing voting papers, the same reason

which was applicable to the Universities was applicable to large constituencies. He thought magistrates would make the best recording officers. One of the great evils of the present system of election was that no man could go to vote if it happened that he could not face a crowd, or if for some reason he could not attend a polling-place. At present a great many voters did not, and a great many could not, attend to record their votes; but all this would be put an end to if the system of voting papers was introduced. An end, he believed, would never be put to the irregular practices complained of as occurring at elections until something like a system of voting papers was adopted. In fact, he felt convinced that a system of voting papers would allow every voter an opportunity of voting; it would enable sick and infirm voters to record their votes; it would cure a vast number of irregularities in connection with the present system, and do away with much of that coercion which it was stated had been exercised in some quarters. As to the Ballot, he, for one, did not like it, being of opinion that publicity, as was said by an hon. Gentleman opposite, was fairness, and that secrecy meant fraud.

SIR MICHAEL HICKS-BEACH said, he thought his hon. Friend the Member for York (Mr. J. Lowther) was fully justified in submitting to the consideration of the Committee the proposal which he had made. He had proposed it as an alternative to secret ballot, and looking upon it in that point of view he was prepared to give it his support. Voting papers would, he believed, be found to possess all the advantages which were attributed to secret voting, and would be the means of securing quiet and order during the conduct of elections, as well as of enabling persons who now from various causes did not vote to do so with facility. It was said, however, that under a system of voting papers it was easy to commit fraud; but it should be borne in mind that that fraud, when committed, had been invariably detected, while under the Ballot detection would be impossible. Under no plan, he might add, could the object be attained of securing that the whole of a constituency should record their votes as under the system of voting papers. He was aware, however, that it was idle to endeavour to change the opinions of hon. Gentlo-

men opposite with respect to the expediency of adopting the Ballot, and he should therefore consider the proposal of his hon. Friend the Member for York, not as an alternative for secret voting, but as a means of affording additional facilities to voters in counties to exercise the franchise. To multiply polling-places would, after all, have but a very slight effect in the case of non-resident voters, while, if the Committee were to sanction the proposal of the hon. Baronet the Member for Chelsea (Sir Charles Dilke), making it illegal for a candidate to pay the expense of conveying voters to the poll, it could hardly be maintained that great numbers of those who now voted would in future be practically precluded from doing so. That being so, why should not voting papers be resorted to? Why should not non-resident voters have equal facilities given them for recording their votes as those who happened to be resident? Even if the present Bill became law, there would still be half-a-dozen constituencies in the United Kingdom which would return Members to that House under a system of open voting. Persons suffering from illness, or who had the misfortune to be blind, would also have to vote openly. What objection was there under these circumstances, to adopt a plan which had worked so well at the Universities? A large proportion of the non-resident voters in counties were men occupying a somewhat similar position to University electors, and he might also observe that if a man did not like to record his vote through the medium of a voting paper, he would always have the option of doing so by ballot. It might, however, be said that the number of faggot votes would be increased under the operation of such a scheme as that of the hon. Member for York. He, at all events, was not of that opinion. The real safeguard against faggot votes was, he believed, to be found in a proper inquiry into the ownership of the property at the time of the registration.

MR. G. B. GREGORY said, that this question should be considered in reference to bringing up the out-voters; especially as no one would be at the expense of bringing them up under the system of the Ballot, because they could not know how they would vote. Such persons could only be got to vote by means of some such clause as this; and

[Committee—Clause 3.]

personation would be prevented more effectually than under the Ballot, because the voter would be identified with his vote. It was said that the voting papers might almost as well be put into the landlord's pocket. This, however, was a reflection upon the magistrates, who belonged to both sides in politics, and who, acting to a certain extent judicially in this matter, would be liable not only to severe animadversion, but to dismissal, if they attempted unduly to influence the voter.

MR. SCOURFIELD agreed that electors who from various causes were unable to attend personally at the poll should be allowed to record their votes under some system of voting papers; and, in order that the system might not be resorted to lightly and without adequate reason, he should be willing to subject such voting papers to a stamp duty. In his opinion, it would not be improper to inflict a heavy penalty upon any person who signed another's name to a voting paper; but he was opposed to having heavy punishments for minor offences, such as giving information as to votes. As to the secrecy expected from the Ballot, it was personal appearance at the poll that was watched, and people would still draw their own inferences as to the way a man voted; the only difference being that if the Ballot were adopted, the crowd, as Sydney Smith said, would sometimes break the wrong head. If you wanted complete secrecy, you should conceal the names of the candidates, allowing voters to vote for principles only. Then you would come to a fine state of transcendental mystery, and the whole thing would be complete.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

COLONEL BERESFORD quoted the case of the preliminary ballot which was tried at Reigate to show that secret voting would not prevent bribery, while it would certainly cultivate lying; hereafter a certain sum would be offered provided the candidate were elected, and corruption would be as rife as ever. He believed that it would be perfectly safe to adopt the principle of having voting papers; but he must add that, in his opinion, the Ballot was really not wanted by the people.

Mr. G. B. Gregory

MR. R. N. FOWLER said, the use of voting papers at the elections of Boards of Guardians had been pronounced objectionable; but he instanced, as a proof to the contrary, an election for a Board of Health at Tottenham—an election which had called forth a good deal of feeling—after which one of the defeated candidates, Mr. Edwin Hill—whose services at the Post Office would be known to the Postmaster General—a strong Liberal, wrote a letter to *The Times* strongly advocating the use of voting papers. With regard to voters who happened to be unwell, he thought there could be no doubt that they would be placed in a worse condition than they now were under the present state of the law. As things now stood, the poll was declared from hour to hour, and as the election was often practically decided by 12 o'clock, the voters who were ill were never brought up in such a case. Under the present Bill the state of the poll would not be known while the voting was going on, and the consequence would be that every man who could by any possibility crawl to the poll would be brought up at the risk of his life. He wished, as representing a seafaring constituency, to call attention to another point.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

MR. R. N. FOWLER continued. Among his constituents there was a large number of pilots, and if they were engaged to pilot a vessel on the day of election they would have no opportunity, under the Bill, of recording their votes, unless, indeed, they sacrificed the emolument offered for their services, and declined to be engaged to pilot the vessel at that particular time. Another point to which he wished to call the attention of the Committee was that of the conveyance of voters to the poll. The plan proposed by his hon. Friend (Mr. J. Lowther) would get rid of the difficulty that now existed in the way of voters who had a long way to go to the poll, and in the way of candidates who might be tempted, at the risk of incurring the heavy penalties prescribed in the Act, to evade the law by paying for the conveyance of such electors from their residence to the polling-place. People could not understand that

it could be morally wrong to pay the travelling expenses of a man who voted for a borough candidate, when it was legal and right to pay the expenses of a county voter. Hence men's minds got confused as to what was corrupt and what was not; and this was one reason why men who were convicted of bribery were not considered to have been guilty of any grave offence. Such a man was received at Brookes's, or the Reform Club, or the Carlton, as one who had served his party "not wisely but too well," and he enlisted the sympathies of the club. The same feeling was exhibited towards him when he came back to that House. Public feeling reprobated bribery; but whilst such foolish distinctions were permitted to exist as those to which he had alluded, it would not be reprobated as it ought to be. He had a vote for West Yorkshire, and, while it was sometimes pleasant to travel at the expense of another, it would be more satisfactory both to himself and to a candidate if he could send a voting paper to the returning officer instead of travelling to Leeds. There were five boroughs in England in which, on account of their extent, payment of travelling expenses was allowed—namely, Aylesbury, Cricklade, Wenlock, Shoreham, and East Retford; and it would be a great advantage to abolish the distinction between these and other boroughs, for as long as it existed people would persist in regarding the law as inconsistent with itself. This ought not to be regarded as a party question.

LORD CLAUD HAMILTON regretted the practice that had of late grown up in that House of Ministers absenting themselves when great constitutional questions were under discussion. It was not so in the late Sir Robert Peel's time. Things had greatly changed when Ministers could so absent themselves, and Government supporters were not allowed to speak for fear of expressing their true opinions, that of hostility to the Bill. The silent system was now in force, and he praised the Government for their judgment in putting the "gag" on their independent supporters. He supposed they who had been drilled to oppose this Amendment were of opinion that whatever system of voting was adopted it should be one that would most correctly represent the opinions of the voters at large, and be the most

truthful reflex of public opinion upon public questions; and that being so, he could not conceive how they could oppose the scheme that had been proposed by the hon. Member for York (Mr. J. Lowther). The right hon. Gentleman the Vice President of the Council was not condemned to silence, and from his speeches they could gather the grounds upon which this Amendment was to be resisted. He opposed it on the ground that it would produce every kind of evil, and he based that opinion upon the present mode of electing Guardians, which in no way resembled the scheme then under discussion. The right hon. Gentleman had failed to show that voting by voting papers would not obtain the free and candid opinion of by far the greater portion of the electoral body. The present limited number of hours of taking votes prevented many from recording their votes, and yet this system—which the right hon. Gentleman had condemned—would allow the aged, the infirm and sick, to record their votes in ease and comfort. And why should so many of our Mercantile Marine be deprived from exercising the franchise? There were thousands of intelligent and educated men engaged upon railways who, being unable to quit their duties, would be deprived of the franchise in the absence of voting papers. But lawyers, medical men, and other professional men could not well leave their avocations to go to the poll, and as they were men of high culture, by preventing them from taking part in elections, injury would be done not only to individuals but to the State. He contended that they were as much entitled to the privilege of using voting papers as wealthy masters of arts, and that to insist on personal voting was to give a bonus to the idle and unemployed, and to confer a special advantage on those who lived near a polling-place. He thought he had shown that the proposition of his hon. Friend could not be disposed of by a general and sweeping statement that it would do no good. They should endeavour to apply electoral facilities equally to all classes. At present the University constituencies, composed principally of wealthy classes, were allowed to use voting papers, so that they had an advantage over the poorer classes of electors. The question of municipal voting could not have any

bearing upon Parliamentary elections, because as the latter took place only once in four or five years, the injury inflicted upon a man, who was unable to vote at them, was much more serious than that suffered by a municipal voter, who might be deprived of his annual opportunity of recording his vote. On all these grounds they should be cautious not to deprive numbers of respectable and educated electors of the power of exercising their franchise. In Ireland the polling-places were fewer than in this country in proportion to the electors, who consequently had to go greater distances to the poll, and there was a system of organized mobs for the purpose of waylaying and maltreating voters. Indeed, this system was so thoroughly established that the law of Ireland was necessarily the reverse of the law of England as regards the presence of the military at elections. Every Member of that House must deprecate the system of organized mobs, and also the massing of troops in the vicinity of the polling-places. Voting papers would remove both these evils, which would certainly never be remedied by the ballot, as it would be impossible to prevent an Irishman from announcing which way he was going to vote. It was pretty generally admitted that the Ballot would not put a stop to bribery; but it was urged by hon. Members on the other side that it would check intimidation. It usually happened, however, that charges of intimidation had failed to be substantiated before Election Committees, and more recently before the Election Judges; and he thought the House ought not, in dealing with a great measure, to take into consideration vague and shadowy statements with respect to intimidation. He therefore invited independent Liberal Members to set aside party considerations, and assist in the application of this system to Ireland, so as to remove the two scandals he had mentioned.

SIR HENRY SELWIN-IBBETSON said, that the Committee ought seriously to consider the question of how they were to deal with a very large class of outlying voters in country constituencies. By adopting the Ballot, they would be practically disfranchising a large portion of many constituencies, by depriving them of an opportunity of voting. He himself was once a candidate for a

borough containing a considerable number of seafaring men who were practically deprived of the franchise if they happened to be at sea at the time the election was held, and he certainly was of opinion that they, and all electors similarly situated, ought to be enabled to record their votes without personally attending at the poll. The permissive character of the proposal of his hon. Friend the Member for York (Mr. J. Lowther) should recommend it to the Committee. The system might be adapted to portions of the constituencies who were prevented from recording their votes in the mode prescribed by law, and he did not believe they would get the constituencies fully polled unless by some system of voting papers.

COLONEL BARTTELOT drew attention to the deserted benches on the Government side of the House, and expressed his belief that the hon. Members who usually occupied them did not really care a farthing about the Bill. Hon. Gentlemen opposite contended upon every other matter that publicity was right and secrecy wrong. He thought the Amendment of his hon. Friend the Member for York (Mr. J. Lowther) deserved to be well considered, and he preferred the system of voting papers infinitely to the Ballot. He would rather, however, supplement by a system of voting papers their present system of voting, and give men who were not able to leave their business, and others who could not attend the poll, an opportunity of recording their votes. He should vote in favour of the Amendment proposed by his hon. Friend.

MR. WHARTON said, that enormous numbers of men were kept away from the poll, and if voting papers were distributed and collected it would have a great effect in securing a voter from that fear which kept voters away or influenced their vote. If the Committee were to adopt the Amendment of the hon. Member for York (Mr. J. Lowther), and couple with it that of the hon. and learned Member for South-west Lancashire (Mr. Cross), for keeping secret the state of the poll on the day of the election, and if the abolition of canvass was combined with these, the Ballot would not be required. If this suggestion was carried out they would obtain peace and security on the day of the poll, an absence of bribery, and an absence of inti-

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midation, coupled with, on the other hand, propriety and purity of elections.

MR. CHARLEY approved of the permissive use of voting papers, which would be of great service in the case of the timid, the aged, the sick, and the infirm. The system was a supplementary, not a substitutional one, and might be worked either with the present system or any other which Parliament might see fit to adopt. Under the present system, from disinclination to go to the poll, a large number of voters were virtually disfranchised, and he observed from a Return laid before the House in 1865 that only about two-thirds of those who were entitled to vote recorded their votes. In Liverpool, for example, out of 20,600 voters, only 14,600 had voted, and in Manchester, out of 21,000 voters, only 14,900 had voted. If this Amendment were adopted the polling-place would practically be brought home to the door of every voter.

SIR STAFFORD NORTHCOTE said, he thought that the conditions under which this debate was carried on did not conduce to the satisfactory examination of this important question. The subject was surely one that was worthy of being fairly argued out, especially as a similar proposal had been recommended by such Members of the Liberal party as Mr. Chadwick, Mr. Sidney Smith, and others. The usual course of discussion was that a Member on one side answered one on the other; but from the moment when the right hon. Gentleman the Vice President of the Council sat down after replying to the speech of the hon. Gentleman who had moved this Amendment (Mr. J. Lowther), not one single word had been said by an hon. Member opposite in answer to the arguments urged in favour of the proposal. He did not ask whether such a course was treating that side of the House with courtesy, because such a consideration was quite apart from the question; but he would ask whether it was treating the question itself, or the public outside who took an interest in the arguments used, with proper respect. He would, moreover, ask the right hon. Gentleman at the head of Her Majesty's Government whether such a style of conducting a debate did, in the long run, conduce to a saving of time. In the observations of the right hon. Gentleman the Vice President of the Council it seemed to him (Sir Staf-

ford Northcote) that the go-by was given to the main question that was before them. The right hon. Gentleman really confined himself to the general observation—that he supported the Ballot; that that proposition was made by those who were opposed to it, and that he would not vote for it because it reflected upon his favourite nostrum. The grounds upon which the proposition was placed were twofold—that it would be less objectionable than the Ballot, and that it would attain all the objects hoped for from the Ballot. They also said, further, that it was not open to the objections urged against the Ballot. Many hon. Members on the other side of the House, in the days when they were allowed to speak, used to object to the Ballot. On that side of the House, they contended that by voting papers they would get rid of all the evils for which the Ballot was supposed to be a remedy, while other evils would be avoided which the Ballot would create. By means of voting papers the pressure of bribery would be done away with during the day of polling, while they would afford a better remedy than the Ballot for certain forms of intimidation. If, too, as was asserted, frauds occurred under a system of voting papers, they could be much more easily detected than under the Ballot, while the consequences could be remedied—a thing which in the case of the Ballot would be absolutely impossible. Another ground on which voting papers were supported was that by their means a greater number of the constituency would poll than at present, which would in itself, he maintained, be a great advantage. He, for one, regarded the Bill as calculated to extinguish public spirit in this country; but if they were, as its advocates stated, to make a law for those weak brethren whom it was said they had no right to ask that they should make martyrs of themselves, let the matter go a little further, and afford a similar advantage to timid and quiet persons who shrank from voting at present, and whom the proposal of the hon. Member for York would enable to exercise the franchise. Such men would not be fascinated by the Ballot to go into the midst of a mob, nor would they find that the pleasure of giving their votes in secret was any compensation for the loss of a day's work. The case of men of that description the adoption of poll-

ing papers would meet, and it was in the interest of the country that they should be had recourse to, because it was desirable that we should have the opinions of the great bulk of the constituencies freely declared. The result of getting the whole of a constituency to vote would be to swamp that miserable element who under the present system were able to exercise a venal and corrupt influence. And what, he would ask, was the answer made to those arguments? He could find none, unless it was contended that the power of secret voting should be made compulsory. The scheme of his hon. Friend the Member for York was not necessarily proposed as a substitute for the Ballot. He should be glad if that were so; but he asked, at all events, that it should be given as a supplement, and that no person should be compelled to vote secretly who did not choose to take that course.

MR. W. E. FORSTER said, he did not think the right hon. Gentleman (Sir Stafford Northcote) was justified in complaining of Members on the Ministerial side of the House for not having taken a more active part in the discussion. The question at issue had been raised and thoroughly debated three years ago, when the Government of which the right hon. Gentleman was a Member held office, and yet it had been disposed of in a shorter time than on the present occasion. He begged also to observe that though the speech which he himself had made in the earlier part of the evening was not long, the greater portion of it had been either ignored or not listened to by hon. Gentlemen opposite. The party with whom he (Mr. Forster) was associated did not blame Her Majesty's Opposition for stating their adherence to the plan proposed by the hon. Member for York (Mr. Lowther); but, on the other hand, hon. Members on the opposite benches had no right to blame the Government for entertaining the conviction that it was a decidedly bad plan. He thought that the voting papers would lead to a great deal worse state of things than that which now existed. It might be that time would assist the present opposition to the Ballot, and that right hon. Gentlemen sitting on the front bench on the other side might hereafter do for the Liberal party that which they sought, but failed to accomplish. But be that as it might, he felt satisfied that the

Sir Stafford Northcote

adoption of voting papers would not meet the demands of those voters who were of opinion that they ought to be allowed to vote as they thought right without sending voting papers to their landlord, who would send them to the returning officer, or without going before a magistrate. Such a system would also give additional opportunities for bribery, for the briber could call privately upon the voter and arrange for the filling up of his paper in return for an adequate consideration. It was said that voting papers would relieve voters from the unpleasant necessity of making their way to the polling-booths through an excited crowd. But one of the great advantages to be expected from the Ballot was quiet, orderly elections, and the experience of the Ballot in France and America, even in times of great excitement, showed that this expectation was well founded. Sick persons and persons in hospitals might find voting papers a convenience; but really it was impossible to make the law subservient to the convenience of this class of persons. He was sure that both the new and the old voters would rather be protected from the possible influence of the magistrate, the landlord, or employer than from possible intimidation by the crowds, and the result of the Amendment would be to make bribery and intimidation worse than they were at present.

LORD JOHN MANNERS said, Members around him had for hours past waited patiently to hear some arguments on the other side against the Amendment, and it was "the unkindest cut of all" to taunt them with not having listened to arguments which had really never been adduced. The right hon. Gentleman the Vice President of the Council said that three years ago the question of voting papers had been discussed very shortly and settled decisively by the House of Commons. Yes, but at that time neither the right hon. Gentleman nor any of his Colleagues proposed a system of secret voting. The conditions of the question had now entirely changed. The question here was—shall we have an odious system of secret voting, and nothing else, forced upon us under pains and penalties, or shall that system be supplemented and relieved by a system of voting papers? It was pure assertion, unsupported by a particle of proof, to say that

voting papers would increase bribery and undue influence; and to suppose that magistrates would lend themselves to the inconceivably dirty practices suggested by the right hon. Gentleman was a libel upon that body. It was a libel, too, upon the new voters to declare that they wanted the protection of the Ballot. They had not petitioned for such protection, and in their name he protested against the statement that they required it. The right hon. Gentleman had entirely avoided the case of the out-voters in counties, some of whom had to travel 200 or 300 miles in order to record their votes. Their travelling expenses were now paid for them; but it was proposed to make the payment of travelling expenses illegal, and if that proposal were adopted these men—many of them the 40s. freeholders, in whose behalf there was an outburst of enthusiasm a few years ago among Liberal Members—would be virtually disfranchised unless the Amendment were accepted. Mr. Sidney Smith—not the immortal Canon, but the Liberal agent for the City of London—had stated that the effect of the Government Bill would be to disfranchise 2,000 voters for the West Riding of Yorkshire now located in London. This gentleman was strongly in favour of a system of voting papers, which would give an opportunity of voting to these men, and to the most steady and thoughtful and the least excitable portion of the constituencies, who now shrunk from the noise and excitement of a contested election. He preferred the arguments of Sidney Smith, the Liberal agent for the City of London, upon that point to those that had been put forward by the right hon. Gentleman who had charge of the Bill. The proposal of the hon. Member for York (Mr. J. Lowther) would be an enfranchising scheme, and one that ought to be sanctioned and supported by all those who wished the great body of electors to whom had recently been given the franchise to be able to exercise it without cost and without fear.

Mr. MITCHELL said, he was not going to answer the speeches of the two Members of the last Cabinet, because he considered them simply speeches against time; but as the noble Lord (Lord John Manners) said there was a doubt about the new voters under the last Reform Bill approving the Ballot, he must observe that the large majority on the

Ministerial side of the House was returned with the distinct understanding that the first question to be considered after the Irish Church Bill was the Ballot question. He considered that the Amendment of the hon. Member for York (Mr. J. Lowther) would enormously increase coercion and bribery, which he admitted had at present diminished. It would be impossible to have a more deliberate, organized system of bribery and corruption than that proposed by the hon. Member, and it would be far better to leave the whole thing to chance than to introduce such a system.

COLONEL BERESFORD said, he would appeal to the last election for Mid-Surrey in refutation of the statement that the new voters had asked for the Ballot. He was chairman of a district, and from that circumstance he was enabled to state positively that he never heard a man of the new constituency ask for the Ballot.

Mr. GOLDSMID said, he was the unfortunate candidate at the election just referred to. The example the hon. Member for Southwark had given was entirely beside the fact, for the new electors did desire the Ballot. The majority at the last election would have been considerably smaller if they had had the Ballot.

COLONEL BERESFORD said, he had stated nothing but the truth. There was not a shilling spent in bribery at the last election for Mid-Surrey.

Mr. DISRAELI: Though the speech of the hon. Gentleman (Mr. Mitchell) was short, it was significant, because he spoke of bribery and intimidation having ceased to exist. ["No, no!"] One of his arguments was that if we adopted the Amendment of the hon. Member for York (Mr. J. Lowther) we should see a revival of those evils which he practically confessed had ceased to exist. ["No, no!"] I can easily understand that hon. Gentlemen opposite, after their constrained silence, find a natural relief in those murmurs; but I would rather have my observations refuted in the course of discussion than by expressions which I listen to with respect if I do not always understand them. I have not risen to support the Amendment of my hon. Friend simply because it offers an alternative for the scheme proposed by the Government. I admit, to a certain extent, the justness of the position taken up by the Govern-

ment, that any scheme put forward which is absolutely opposed to the principle of the Ballot, after that principle may be said to have been adopted by the House, does not necessitate upon them lengthened debate, although anything so entitled to respect as the well-reasoned proposition of the hon. Member for York, I think might command some attention from hon. Gentlemen. And here I would say that my hon. Friend the Member for South Northumberland (Mr. Liddell) mistook some casual observations I made at the commencement of the evening, when he supposed I looked upon the Ballot in this House as an obsolete question. I said it was obsolete as regarded the world and society, but not as regarded this House. In this House the question has never been really argued. On the present occasion, when brought forward by a Minister as a Government scheme, it has naturally excited the attention of the great body of the House; but it has not been discussed half enough. In the days of Mr. Grote, when the notice of it was classical, and in the days nearer our own experience, when brought forward by a Gentleman whose genial qualities we all remember, but who was not so classical, it was a before-dinner theme, and was never looked upon as a part of practical politics. I have expressed my opinion that the Ballot is an old-fashioned principle in politics. It might have been adapted to 35 years ago; but it is not adapted to the circumstances in which we live. With a free Press, the great increase of population, the extension of the arts and sciences which have raised man in society, and with our enlarged constituencies, I believe the Ballot is no longer adapted to the political circumstances under which we exist. With this increased constituency corruption, on any great scale, would be impossible, even if we had not already prevented it by our special legislation. As regards intimidation, of which no evidence has been brought forward, it is clear that in an enlightened age of public spirit, and with a body so numerous as the present constituency, having a general sympathy pervading it, there is no part of the country where oppression with respect to the franchise could be exercised without calling forth immediately a response of indignation. ["Oh, oh!"] What, No? Does the hon. Gentleman mean to say, if

a case were brought of oppressive landlord influence in Cornwall, that the West Riding would not at once respond to the appeal which would be made to it. We know very well that that would be the result. Everybody knows perfectly well that the corruption and intimidation that were—I will not say the bugbears of our youth, because there was no doubt foundation in those days of contracted sympathies and circumstances for their existence—but which we heard of then, do not prevail in the present day. [*Cries of "Wales."*] There is no one who, in the present state of the law and of public opinion, would dare to combine with others to practise bribery on an extensive scale; and we have no evidence of the existence of intimidation, except the constituent body, combining in particular forms—such as trades unions—assert perhaps, with too much spirit, the rights of the electors. Having said this much upon the question, I repeat that I do not support the Amendment upon the specific ground of its being an alternative to the Government scheme, but I think that it might be adopted as ancillary to the Ballot; and on that ground I shall support it. Nor do I see why we should not facilitate the exercise of the franchise by out-voters. Therefore it is not as an alternative to the Bill, it is as a complement to it, not inconsistent with its principle, that I support the scheme of my hon. Friend. I wish to say one word with respect to the conduct of this debate. It has been peculiar. But I do not rise to complain of it. I make it a rule in life never to complain of anything. I wish to call the attention of the House to its particular features, and to what may be its consequences. I do not think that my Friends on this side of the House have any cause to complain of the conduct of hon. Gentlemen. Some of them have in private expressed to me—I think with superfluous indignation—their view of the matter; but I have said to them, speaking as a friend, that I thought, on the contrary, they have little to complain of, for the House has given them an opportunity for exercising their powers of speech, such as is very rarely accorded—especially to young Members. I should have been very glad when I first entered Parliament to have enjoyed such a monopoly. I think my hon. Friend who introduced this question introduced it in a speech which was worthy

Mr. Disraeli

of any debate; and I think, although he has not received an answer to it, he may be perfectly satisfied that he has had an opportunity of placing a great public question, in a masterly manner, before the House and the country. And I beg to say, not to notice others who have all had their advantage, that my hon. Friend the Member for East Gloucestershire (Sir Michael Hicks-Beach) has had an opportunity during the last few days of showing to the House what I think it had already more than suspected—his powers of debate, and his capacity for dealing with intricate questions. His speech on the multiplication of polling-places and his speech to-night upon voting papers do him infinite credit; and instead of lamenting that he has not received a formal answer from any Gentleman opposite, I think he should be satisfied with having shown the metal of which he is made. Well, Sir, if that be, in consequence of the conduct of the debate, the position of my friends, allow me to say one word as to the position of those whom I will not call my foes, but my opponents. They have been silent for no inconsiderable time; but has it not occurred to them that that silence may be the enjoyment of a very deleterious state of existence? Parliamentary speaking, like playing on the fiddle, requires practice. While we are taking advantage of this golden opportunity, which, we are told, will last at least for a month, recommending ourselves to the country and perfecting our powers of speech, hon. Gentlemen opposite may find when the hour arrives that they are no longer masters of that oratory which once distinguished them. No one knows how soon that day may arrive, and they may be called upon to appear before their constituents sooner than many of us imagine. We have had the period of Parliaments calculated to-night, and the sanguine estimate was that they lasted four years. Well, we are at the end of the third; and if any of their constituents ask them the reason why they were dumb persons, it will be no excuse to say that at the bidding of the Treasury they lost the art of speaking in the last Session. It is not our fault, and as elections now very fortunately do not last so long as they did in the good old times, when they extended over 14 days, they may have no opportunity

of showing their acquirements and accomplishments, and may lose their elections from their inability to express their feelings. No doubt there are many subjects on which they will be questioned by their constituents, and I may mention this before I go into the question of voting papers. I am speaking strictly to the Question, because the most remarkable thing is, we have expressed our views to-night, and we have not got any answer, and I wish to influence the future conduct of debate in Committee by showing that the system which has been adopted by hon. Gentlemen opposite will not be advantageous to themselves. Suppose they may be asked about the Army Bill which is being debated in "another place" to-night ["Question!"], it may not be satisfactory to their constituents that they were silent, and they may be told—"We expected we should have an efficient Army founded on an efficient Reserve ["Question!"], and instead of that you have only entailed upon us the income tax." ["Question!"] The hon. Gentlemen opposite who have been silent now call "Question!" They may also be asked about the state of the Navy; their constituents will say—"How was it that the *Captain* was lost?" ["Question!"] A noble Lord who was Secretary of State to the late Government (Lord Henry Lennox) had a Notice on the Paper, calling the attention of the House to the subject; and the right hon. Gentleman who was First Lord of the Admiralty (Mr. Corry) had a Notice on the Paper in order that he might call attention to the administration of that Admiralty. ["No!"] Yes, yes, it is so; and what satisfaction would it be if they remain silent before their constituents under these circumstances? Depend upon it that the system you have so rashly adopted in order to advance the views of the Government has gained you no advantage. Well, Sir, I say that the arguments which have been offered by my hon. Friend who introduced this Amendment, and which has been supported by hon. Friends near me, is a subject which demands the serious consideration of the House. It is no answer to say that it is merely offered as an alternative. It is not supported by me as an alternative. I should be glad to see it, as compared with the Ballot, adopted as an alternative; but it is,

in my mind, perfectly consistent with the Ballot. I think if you have the Ballot you ought to guard the constituencies from the intimidation of the hustings. The intimidation of the hustings would equally exist with the Ballot as without it, and if you have got the Ballot you ought to adopt a house-to-house polling; and if you have a house-to-house polling, there is no reason why you should not poll by way of voting papers. The claims of the out-voters have also been brought before you to-night, and it has been shown that there are 2,000 voters in the West Riding who are resident in the City of London, who, under the principle which has been advanced and adopted within the last 48 hours, would be practically disfranchised. This is only a sample of what the effect of the Bill would be on the country. We must consider this question seriously which the hon. Member for York has brought before our notice. It is the only scheme by which the incongruity, the inconsistencies, the grievances, and hardships which must accrue through your adopting the Bill of the Government can be prevented. Not one argument has been brought forward—that, of course, is not wonderful considering the silence which has prevailed throughout the House on that side—in answer to my right hon. Friend the Member for Devonshire (Sir Stafford Northcote), who reasoned the subject with all that ability which distinguishes him, and the only response which he had was a not very courteous remark from the hon. Member for Bridport (Mr. Mitchell). That is not the way to answer the question; it must be fairly argued out. What will the country think to-morrow when it reads this debate and finds that not a single argument has been brought forward, not only by the Treasury Bench, but by the great mass of the Liberal party? They are always telling us that they are so peculiarly liberal, they are always telling us that we are not to be compared with them in character or intelligence. We have certainly not the advantage of the immense majority by which they have accomplished such wonderful things. But I say, what will the country think to-morrow when this question has been placed before it, and it sees no answer whatever from the great body of the Liberal party; and from the Ministers themselves as meagre and unsatisfactory

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a response as I ever recollect to have heard? This is a state of things which I am sure for the credit of the House cannot long endure, and I trust that as we proceed in Committee we shall have good reasons offered to us by the Government, and by the supporters of the Government, for the proposals which they bring forward, and some well-considered answers to the objections which, in fulfilment of our duty as Members of Parliament in Committee upon a great Bill of this character, we have respectfully, and I think with good temper and with good logic, offered to the consideration of the House.

Question put, "That the words

'The returning officer shall, on the occasion of every contested Election, provide a sufficient number of ballot,'

stand part of the Clause."

The Committee *divided*:—Ayes 253; Noes 166: Majority 87.

Mr. LEATHAM moved in page 3, line 17, leave out "papers," and insert "cards;" and for "paper" and "papers," to substitute "card" and "cards," throughout the Bill. The hon. Gentleman said, a card would only fold once, whereas a paper might be folded in a variety of ways, and if a voter folded his paper so as to conceal the stamp, it was very likely that he would refold it in the presence of the presiding officer and the agents, who would thus ascertain how he voted. He believed the work of the election would be carried on much more easily with the use of cards, and that they would afford less opportunity of fraud.

Amendment proposed, in line 17, to leave out the word "papers," and insert the word "cards,"—(*Mr. Leatham*,)—instead thereof.

Mr. WYKEHAM - MARTIN suggested that the cards should be so thick that they could not be crumpled up. He supported with pleasure a proposition which he himself had advocated years ago.

Mr. R. TORRENS said, that the question was one merely of mechanical convenience, and if the right hon. Gentleman who had charge of this Bill would only take a ballot-box and make the experiment he would, he believed, at once decide in favour of the proposal of

the hon. Member for Huddersfield (Mr. Leatham).

MR. W. E. FORSTER said, it was, he thought, better to avoid definitions too precise, for upon their correct interpretation the validity of an election might possibly depend, and, as hon. Members might bear in mind, although "paper" would include card, "card" would not include paper. There was no doubt this was a question of practical experience, and after the matter had been once or twice tested, the plan which resulted in the greatest general convenience would be adopted.

SIR HENRY SELWIN-IBBETSON advocated the adoption of colours for the benefit of voters who could not read.

MR. GATHORNE HARDY observed, that, as the hon. Member for Huddersfield (Mr. Leatham) appeared to entertain such strong doubts as to the honesty of all who had anything to do with the polling-booths he should, if his proposal to use cards were adopted, have posted up a notice to beware of cardsharps, similar to that to be found upon railway stations.

MR. PERCY WYNDHAM said, that the nearer they approached the details of this question, the more there was reason to doubt whether they could insure secrecy. He should, however, cordially support the proposal of the hon. Member for Huddersfield (Mr. Leatham.)

MR. KIRKMAN HODGSON referred to the adoption of the test Ballot at the last election for Bristol, showing that the plan then adopted had resulted in securing perfect tranquillity and secrecy. Cards were used and each card was divided into three portions, coloured red, orange, and green. When a voter retired to the desk at which he was to record his vote he scratched out the names of the two gentlemen for whom he did not vote, folded the card, which was perforated, and handed it to the assessor, who put it in the ballot-box. He might add that in that case there was not a single instance of personation, and that the insignificant amount of bribery was discovered with the greatest ease.

MR. GOLDNEY protested against the assumption that the elections of the country would be so disposed to commit frauds that it was necessary to provide checks against them.

MR. BOUVERIE urged as a practical objection to the scheme proposed that in many country districts it would be found difficult sometimes to get the candidates' names printed in colours.

MR. CAVENDISH BENTINCK asked whether, in the event of the Amendment not being carried, the hon. Member for Huddersfield (Mr. Leatham) intended to proceed with the other Amendments which stood on the Paper in his name?

MR. LEATHAM said, his intention was to carry out, so far as he was able, the whole of his scheme.

MR. W. E. FORSTER said, he did not attach much importance to whether cards or papers were used; but he objected to putting the word "cards" into the Bill, because it would fix them to it, while the word paper would include cards. The Government had very little feeling on the matter, and if the House expressed any desire to use cards he would offer no objection.

MR. J. HARDY asked whether the cards used throughout the whole country were to be of the same description?

MR. W. E. FORSTER said, he saw no reason why the conditions of the subsection might not be fulfilled, though cards of different sizes were used.

MR. W. H. SMITH said, he hoped the suggestion of the hon. Member for Huddersfield (Mr. Leatham) would be agreed to. He had had some experience of voting papers in the case of school boards, and there was great delay in ascertaining the number of votes given. By the use of cards the numbers could, he thought, be ascertained much more readily.

MR. PERCY WYNDHAM referred to what men called the mousetrap and the dagger system of secret voting; in accordance with the former of which a man put his finger in a hole, while the latter consisted in sticking a dagger into a particular colour, to show that although the question of the Ballot had long been discussed no method had yet been discovered of ensuring perfect secrecy.

MR. GLADSTONE said, that cards might be found more convenient than paper, but it would be difficult to give a legal definition of cards in the Bill. Some cards were hardly to be distinguished from paper, and it might be contended that the cards used in a particular election were not really cards, and the validity of the election might

thereupon be questioned. It would be better to allow the matter to be worked out in practice. At the same time, if the Committee was in favour of cards on a division, the Government, not attaching much importance to the matter, would cheerfully bow to its decision.

MR. CRAUFURD agreed that the words in the Bill should not be made too restrictive, and suggested that the words used should be "paper or cards."

Question put, "That the word 'papers' stand part of the Clause."

The Committee *divided*:—Ayes 175; Noes 166: Majority 9.

MR. W. E. FORSTER moved that the Chairman report Progress, and promised that if there was any doubt as to whether the word "paper" included cards, he would introduce a definition clause, because he conceived that it might be found very desirable to use voting cards, though he thought secrecy would be sufficiently secured by papers. The Bill would be proceeded with at the Morning Sitting this day.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

NEW MINT BUILDING SITE (*re-committed*)

BILL—(BILL 223.)—COMMITTEE.

(*Mr. Ayrton, Mr. Baxter.*)

Bill *considered* in Committee.

(*In the Committee.*)

MR. CHARLEY moved that the Chairman do now leave the Chair. He objected to the Bill as a most expensive and bad measure. It was a Bill to remove the site to the Thames Embankment and erect a building which would cost £180,000. He thought it improper to proceed with the Bill at that period of the Session.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Charley.*)

MR. AYRTON said, he had been in communication with the City Surveyor, and he believed the Corporation of London had no objection to it. The Bill had been sent to a Select Committee, which had taken evidence and reported in its favour.

MR. LOCKE considered the explana-

Mr. Gladstone

tion given very unsatisfactory. The Bill had been brought in and read a second time without discussion, and was proceeded with the other night with such rapidity that all of a sudden he found the Chairman in the Chair and the House in Committee before he had time to turn round. They were going to pull down one building and substitute another, and when he asked what it was all about he could get no information. The Bill would put the country to enormous expense, and, unless this proposed Mint were to be different from all other Mints, the Bill ought not to be persisted in on sanitary grounds. All the operations of the Mint were now carried on at Tower Hill, while only half of them were to be conducted at this new Mint, and another Mint would be required elsewhere for the other half.

MR. SOLATER - BOOTH said, the nuisance of the new Mint arose from the gold refinery, and it had been provided that there should not be one on the Embankment. As a Member of the Committee on the question, he supported the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, that what was proposed was the result of careful investigation. They possessed $4\frac{1}{2}$ acres of land on Tower Hill, partly occupied by the Mint and partly by the refinery, but the latter was quite distinct from the Mint, at which the gold must be delivered in a refined state. What nuisance there was arose solely from refining; there was no reason for apprehending nuisance from the Mint proper, at which no process was carried on but the simple one of melting the metal. The Mint was a large building containing a large number of official residences, which it was undesirable to continue in connection with it. The land on which it stood was exceedingly valuable and afforded no sufficient return to the public; the machinery was old-fashioned and obsolete; it was necessary that the operations of coining should be rapidly performed; and it was desirable, for the sake of cleanliness, supervision, and economy that the Mint should be in a compact rather than a straggling building. The old Mint and its site would produce sufficient to pay for the new one and new machinery, and probably leave a surplus; and if the scheme were not approved he should have to come to the

House for £30,000 or £40,000 for necessary improvements. The economy of the scheme was manifest, the situation was convenient, and the new building would be no nuisance. The site was not on the Embankment at all, it was not on reclaimed land, but it was in Inner Temple Lane; it was, as it ought to be, very accessible; and it was between the Bank of England and the Treasury, which had most to do with it.

MR. PELL asked whether the surplus would provide for new official residences?

THE CHANCELLOR OF THE EXCHEQUER said, it was not intended to provide any except for those who were obliged to live at the Mint.

MR. MUNTZ said, he doubted the Estimates given before the Committee, and went down to the Mint to look into the matter as a practical man. He found the machinery and the building good, and though of course it was impossible to say that it admitted of no improvement, he believed that everything that required alteration might be set right for about £8,000 or £10,000. One argument, too, in favour of the retention of the Mint on its present site was its neighbourhood to the Tower, which, when the amount of bullion always in the Mint was considered, could certainly not be regarded as a disadvantage.

MR. A. GUEST said, he would be glad to learn what compensations, if any, were to be proposed under this Bill?

MR. SINCLAIR AYTOUN said, that as they were entirely in the dark as to the expenses which would be entailed upon the ratepayers by this Bill, the Government were not, in his opinion, justified in attempting to force it through the House during the present Session.

MR. COLLINS said, he would support the Motion that the Chairman do now leave the Chair, as it was impossible at that time of the morning properly to discuss a Bill which, in one of its clauses, involved the whole question of the rating or non-rating of Government property.

MR. ALDERMAN W. LAWRENCE said, that at the proper time he should move an Amendment, the effect of which would be to render the building liable to rates.

MR. RYLANDS regarded with great suspicion the evidence laid before the

Select Committee on the Bill, as all that evidence was given at the instance of the Mint authorities. The Government, he believed, would find that a better and much more economical plan might be adopted.

Question put.

The Committee *divided*:—Ayes 118; Noes 95: Majority 23.

[No Report.]

TURNPIKE ACTS CONTINUANCE, &C., BILL.

On Motion of Mr. WINTERBOTHAM, Bill to continue certain Turnpike Acts in Great Britain; to repeal certain other Turnpike Acts; and to make further provision concerning Turnpike Roads, *ordered* to be brought in by Mr. WINTERBOTHAM and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 247.]

ENDOWED HOSPITALS (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to continue and amend the provisions of the Act of the thirty-second and thirty-third years of Victoria, chapter thirty-nine, intituled "An Act to make provision for the better government and administration of Hospitals and other Endowed Institutions in Scotland," *ordered* to be brought in by The LORD ADVOCATE and Mr. ADAM.

Bill *presented*, and read the first time. [Bill 248.]

House adjourned at a quarter after
Two o'clock.

HOUSE OF LORDS,

Friday, 14th July, 1871.

MINUTES.]—PUBLIC BILLS—*First Reading*—Consolidated Fund (£10,000,000)*; Exchequer Bonds (£700,000)*; Tramways Provisional Orders Confirmation* (263).
Second Reading—Army Regulation (237), *debate resumed and further adjourned*; Public Schools Act (1868) Amendment* (249).
Committee—Clerk of the Peace* (180).
Report—Factories and Workshops Act Amendment* (261).
Third Reading—Public Health (Scotland) Supplemental* (227); Kingsholm District Boundary* (216), and *passed*.

ARMY REGULATION BILL—(No. 237.)
(*The Lord Northbrook.*)

SECOND READING.

Order of the Day for resuming the debate on the Amendment on the Motion for the Second Reading—which Amendment was, “to leave out from (“That”) to the end of the Motion, for the purpose of inserting the following words:—

“That this House is unwilling to assent to a second reading of this Bill until it has had laid before it, either by Her Majesty’s Government or through the medium of an inquiry and report of a Royal Commission, a complete and comprehensive scheme for the first appointment, promotion, and retirement of officers; for the amalgamation of the Regular and Auxiliary Land Forces; and for securing the other changes necessary to place the military system of the country on a sound and efficient basis.”—(*The Duke of Richmond.*)

read; debate resumed accordingly.

EARL RUSSELL: My Lords, the illustrious Duke on the cross-benches who moved the adjournment of the debate last night, having waived his right to open this evening’s debate in my favour, I have now the honour of addressing your Lordships on this important subject—a subject not only in itself of the deepest importance and the greatest difficulty, but one rendered far more difficult by the ambiguity and obscurity—I may say, indeed, the dim twilight—in which the plans of the Government are left. For this reason I find it difficult to treat the subject as a whole; but I will endeavour to explain, as clearly as I can, the views which I take of the different parts of the Bill, going, in the first place, over the arrangements regarding the Army which require to be abolished; next over those parts which should be preserved; and, lastly, over some which require to be improved. As to the first, my noble Friend the Under Secretary of State for War (Lord Northbrook) is preaching, to use a French phrase, to a man already converted. The system of purchase is so defective in principle that it only requires that the Government should propose a plan of getting rid of it, and declare themselves ready to provide compensation, and it would be condemned immediately. As was stated last evening, the noble Duke (the Duke of Somerset) was at one time at the head of a Commission which proposed a partial plan of abolition of purchase,

and some doubt has been expressed as to why it was not carried out. Now, as far as my recollection goes, it was intended, when Lord Herbert was Secretary for War, to adopt it; but Sir George Lewis, who succeeded him, was very much in favour of purchase, and declared that no better plan could be devised, and in face of his opposition the Cabinet agreed to go on in the course hitherto pursued. The present Government, however, have declared that purchase is to be abolished; and although in practice it has worked far better than could have been expected, and although it is difficult to find a satisfactory alternative, it is in principle so defective that I do not think it can be any longer maintained. With regard to compensation, two men of different political views—I mean Sir Robert Peel and Mr. Bright—who have taken a large share in political affairs, agreed in one point—first, in a detestation of political abuses, and, next, in compensating in a large and liberal spirit all persons who may have been interested by accident or position in the maintenance of those abuses. With respect to some very flagrant sinecures in the Court of Chancery, Sir Robert Peel advised that the most liberal compensation should be given, affirming that it was well worth the while of the nation to provide a high compensation provided the abuses were removed. On the subject of the Irish Church, Mr. Bright, who was a great opponent to the existence of that Church, always maintained in the same way that it was right to make the plan of disestablishment work smoothly, and that this could only be done by having the most liberal regard to the interests of individuals. I believe that those opinions of Sir Robert Peel and Mr. Bright were exceedingly wise as well as liberal, and that in abolishing purchase you ought to go to the utmost extent of fairness and liberality. Persons who have grown up under the system, and have adopted it as the only method by which they could serve their country in arms, should have a most liberal compensation, including a compensation for what is called over-regulation prices. I have heard it said—but it is so incredible that I cannot give any credence to it—that if the noble Duke’s Resolution were carried, there would be an attempt, favoured by the Government, to do away

with these over-regulation prices in granting compensation, and to compensate only for the bare legal right. That, I think, is quite incredible—for the Government, in producing the plan now under consideration, and in giving us the scale of compensation which it contains, must have proposed compensation for over-regulation prices either because it was justly due to the officers of the Army, or as a bribe to induce them to consent to the plan. Now, I cannot think that any Minister of the Crown would propose it as unjust and as a bribe; and the Government must, therefore, have believed that it was a claim founded in justice. Being so founded, that which was right last March must be right also five months later. I hold, therefore, that it is impossible, if the Government go on with this scheme, to do otherwise than propose the compensation for over-regulation prices which they have already proposed. I cannot imagine that with any respect for their own characters they could think of taking any other course. My Lords, I now pass on to the arrangements with respect to the Army which, in my opinion, ought to be preserved. For a long time there has been an arrangement with respect to the government of the Army, by which at one time the Secretary at War, and afterwards Secretary of State for War, has conducted the whole civil business of the Army, has prepared the Estimates to be submitted to Parliament, and with reference to all political questions has framed the measures to be proposed to the Legislature. There was a considerable difference of opinion between Lord Palmerston, when he was Secretary at War, and the Commander-in-Chief, his Royal Highness the Duke of York. By the mediation of Lord Liverpool it was arranged that the patronage and discipline should rest with the Commander-in-Chief—that there should be no interference in that respect unless in the case of some distinct difference of opinion arising, and that if any difference arose on that point the question should be referred to the Prime Minister. In point of fact, very few differences have arisen, and in point of principle this arrangement should, it appears to me, be cautiously and sacredly adhered to. The political arrangements to be made regarding the Army are fit subjects for the consideration of the

Secretary of State for the War Department; but great inconvenience I believe always would arise were the patronage transferred to that political officer. So long as I have been acquainted with the Army—I have had much acquaintance with what has been going on, both from official circumstances and from my intimacy with Lord Fitzroy Somerset—and whether under the Duke of Wellington, Lord Hill, Lord Hardinge, or the most illustrious Duke the present Commander-in-Chief, I have always found that whatever fault might be found with the dispositions of particular regiments, one thing was perfectly clear—that the Commander-in-Chief never had any party bias or prejudice, but that the patronage was distributed according to his view of the merits of different officers, and that appointments were never affected by political bias. Now, my Lords, you will consider that a great advantage—an advantage so great that nothing could induce your Lordships, as I hope nothing will induce the Crown, to make an alteration in that direction. With regard to the discipline of the Army, that is entirely a military question—it is one that is unfit for a political Secretary of State, and therefore is most properly under the control of the Commander-in-Chief. I come now to the question what the improvements in our military system ought to be:—and here there appears to me a vast field upon which Parliament ought to be consulted, and, above all, upon which the Government ought to lay down strict rules by which they will be guided. With respect to enlistment the usual custom has been that the term of enlistment should be defined by Act of Parliament. Mr. Windham got the assent of Parliament to a limitation of service; and my noble Friend who spoke last night, and who has been Secretary for War (the Earl of Dalhousie) in 1847, proposed a plan according to which, I believe, nine years should be the first term of enlistment, and eleven years the second; so that a soldier who had consented to re-enlist and to serve for 20 years became entitled to a pension. Now, I believe that the arrangement by which a soldier who had devoted himself during the first years of his life to military duties, and having performed those duties for a number of years to the satisfaction of his commanding officer and himself, is encouraged at

[*Second Reading—Second Night.*]

the end of the first term to enlist for a further period, so that at the end of his days—having in the meantime gained the confidence and respect of his fellow-soldiers and of those over him—he may obtain a pension, is an admirable arrangement. It seems to me, however, that there is upon this point, as upon others, a change of opinion, and it is now said that it is not wise to give a pension to the soldier. According to that view, after a term of service the soldier will be let loose upon the world without any provision for his old age. I quite agree with those who think that pensions for the soldier form a very heavy burden. When I was Paymaster of the Forces they amounted to £1,300,000 a-year, and of late years they have been from £1,300,000 to £1,400,000. That, no doubt, is a considerable sum; but for that money you obtain men to be trusted not only for valour, but for faithful services and good conduct; and for my part I consider that the money is well laid out in obtaining those great qualities in our Army. I know there has been a fashion of late years to look to the saving of something in the Estimates of the year; but I cannot but think that parsimony most unwise. That parsimony which has led to the loss of a great ship, the *Captain*, is a very unworthy policy, and I maintain that it would be better to have an Army that you can entirely trust than to endeavour to save by depriving the soldier of that provision to which he may properly look forward for his old age. There was a most extraordinary clause in the Bill as originally printed which gave to the Secretary of State the power, from time to time, to make special regulations and vary the conditions of service, so that the soldiers at an early period might be transferred to the Reserve. Now, it appears to me that that clause gives too wide a discretion to the Secretary of State in a matter where an unwise exercise of that discretion might be most injurious to the public service. According to that clause a man might serve in the Line for five, six, or seven years, and pass the rest of the prescribed time in what are called the Reserve forces. But the great security you have under the law passed last year is this—that a man having enlisted for 12 years, you are sure of your man, and the man is sure of his employers. You gain

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thereby steady, good soldiers. But a soldier may enter the Reserve, and who can tell whether, when he is wanted, he may be found? He may not be found, like the Prussian or the Frenchman, in his native village; on the contrary, he may at the moment you want him be working in the mines of New Zealand, or building a log-house in the backwoods of Canada. No Commander-in-Chief, no Secretary of State, can tell where the men who are thus sent into the Reserve may be found. It seems to me, therefore, that it is far better to go back to the old terms, and say—whether it be for 10 or 12 years—that the soldier may enlist for that time, and afterwards, if he chooses to re-enlist, until he complete 21 years' service he will be entitled to a pension. In that way the State would enjoy the benefit of the loyal service of a good soldier, and the soldier would enjoy the pension which would be his proper reward. With regard to this part of the Bill, I am of the opinion of my noble Friend on the cross-benches (Earl Grey) — I believe you have not at all the number of men you ought to have for the proper defence of a great country like this. My noble Friend said that we had an Army Reserve of 9,000 men. Now, what a thing it is for an Empire like this to say that with some difficulty, and in some years, it has been able to collect an Army Reserve of 9,000 men. But even these 9,000 men have not been collected without difficulty. I see a noble Earl opposite (the Earl of Derby) who never takes extreme views, and is exceedingly prudent in the expression of his opinions; and yet, in a speech which he made last autumn in Lancashire, he said he thought it might possibly happen an enemy's force of 100,000 men might land on our shores. But then, of course, the Secretary of State will say—"Oh, but we have got an Army Reserve of 9,000, and surely 100,000 men would be nothing at all in such circumstances." Then we have 30,000 men in the Militia Reserve. I think those 30,000 men were raised according to a plan of General Peel. But speaking to him on that plan the other day, and asking for further explanations, he said he thought it good for its purpose, but that the men were picked men; and therefore you never could be sure you could carry the plan much further. Then, it may be said, you

have a force of Militia upon which you may calculate in addition to the Army. By this Bill it is provided that a man entering the Militia may be trained for six months. That is a very good provision; but what becomes of the men after that? They are to be trained every year for 28 days. But I confess it appears to me, and I am confirmed by the testimony of all the Militia officers to whom I have spoken on the subject, that 28 days are insufficient to make a good Militiaman. Sir John Burgoyne, for instance, and others who have given an opinion as to the time in which a soldier can be made, say that in three years you may make a good soldier, though he will improve by serving after that. A great authority, Count Moltke, the adviser of the Prussian Government, seems to have concurred in the opinion that in three years a soldier can be made. Sir John Burgoyne and Count Moltke say three years; but our Minister of War, Mr. Cardwell, says six months are quite sufficient, and that after six months the men will require no further training except for one month a-year. For my part, I confess I should be glad to see one plan or another calculated to give us a larger force. My noble Friend said last night that, taking into account the Army Reserve and the Militia Reserve, we should have an Army of 147,000 men. But my noble Friend says, I think justly, that is an insufficient force for this great country. You ought to have either a Reserve of the Army or a Reserve of the Militia. I do not wish to condemn either the Army Reserve or the Militia Reserve, but one or the other I say you should have. If you take the Army Reserve, you will then have those men of a few years' service, and you can make them an Army Reserve. If you have a Militia Reserve, you may adopt the Prussian plan of three years to begin with to make them soldiers, four years following with very little duty, and five years after with hardly any service at all. That is the Prussian plan; and I confess I was at a loss to understand why when my noble Friend the Under Secretary mentioned that plan he said it was clear it could not be adopted by this country. His only reason was that the Prussians have regiments of three battalions, which was not suited to this country. I confess I cannot see why it is not suited to this

country. If agricultural labourers, who live near their homes, were to serve their country first for three years, then, with very little demand upon their time, for four years, and afterwards with scarcely any for five years, it would strengthen your forces very much. But if you rely entirely on a Militia Reserve, we should then consider where it may be obtained. It cannot of course be obtained, as the present Government thought, in three years or in ten years. I read in the newspapers that the Secretary of State, in reply to a Question, stated that this Army Reserve would be fit to act in 12 years. Now, it appears to me that this plan, which has been produced with very great pomp and circumstance—this plan, which is to prevent us not only from incurring any danger, but feeling any apprehension of danger, and which promises that the men will be made effective and valuable in 12 years, is a very great disappointment. What I would say, then, is that you had better in that case have Militia to serve for 12 years in the Army Reserve. I saw in a newspaper the other day that the ancestors of the men of the present generation were contemporary with the war of Napoleon. Now, I am one of the ancestors of the present generation, and I happened to go down to Dover at the time of the Great War, and found in garrison there three regiments of Militia to all appearance most excellent—and certainly the Government of the day would never have put them in garrison there unless they had confidence in their steadiness. During the Crimean War we had, as your Lordships are aware, regiments of embodied Militia which went to Malta and Gibraltar. One way of securing the country may be preferable to another; but when the Government asks us in confidence to adopt a plan which involves the expenditure of £8,000,000—a plan which they say is to relieve us from all further peril or apprehension of outbreak of war or invasion—they should have a better and more complete plan than they have produced. Then, my Lords, I come to the question whether we should at once give a second reading to this Bill, or whether it would not be better to adopt the Amendment of the noble Duke, which does nothing more than require information, require plans, require some details of the mode in which this country is to be defended.

[*Second Reading—Second Night.*]

I may be told that the Under Secretary made an excellent speech. I admit it was an excellent speech; but the greater portion of it was confined to good and, to my mind, conclusive arguments for the abolition of purchase. His statement as to other points was by no means equally forcible and conclusive. But the question with respect to the adoption of the noble Duke's Amendment is this—whether we can feel sufficient confidence that, although we may not have this plan in July, 1871, at the beginning of next Session such a plan will be agreed to by the House of Commons as will make this country safe. My noble Friend (the Duke of Somerset) who sits behind me spoke to that point last night, and said—what is perfectly true—that there are very able, and, no doubt, very conscientious, men in the House of Commons, whose opinions with regard to the defence of the country are entirely at variance with those of my noble Friend on the cross-benches (Earl Grey), with those of my noble Friend behind me (the Earl of Dalhousie), and with mine, and which, in fact, are founded upon the assumption that nobody will ever wish to go to war with England, and that if so that they would be unable to do it. That may be a very comforting reflection; but I must say I cannot entertain it. It is an opinion that many people hold that the country requires no further armaments. It has happened to me to have to defend the Army Estimates against a party of that kind in 1848, when I said I knew very well that certain hon. Gentlemen were favourable to low establishments, low estimates, and low views. My noble Friend mentioned a very remarkable circumstance when he reminded your Lordships last night that Mr. Stansfeld, who is a very able man, gave Notice of a Motion for a great reduction of our military forces. We could not agree with that Motion. The Cabinet met, and I took a great part in drawing up a Resolution against the Motion of Mr. Stansfeld, stating that we were willing to make every proper reduction, but condemning altogether that merciless and unflinching economy which found favour with Mr. Stansfeld. That Resolution was carried by a great majority. Mr. Stansfeld then supported the Government. He was then an independent Member of Parliament—he is now a Member of the Cabinet. The

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question arises, when, being a Member of the Cabinet, he again brings forward a Motion for the reduction of the Army—he may do it not as the representative of the Government, but with the consent of the Cabinet? What would our position be in that case? Suppose, as is very probable, that in February next there is no menace of war—suppose the Powers of Europe and the Powers of the world in general to be on friendly terms with this country—what will Mr. Stansfeld say then? Mr. Stansfeld will say—“Surely you cannot keep up your present forces, much less add to them. The world is so peaceable that you need not add to your forces; you ought to reduce them. You paid £1,000,000 last year, and you will have to pay another £1,000,000 this year, and you will have to go on with these payments year after year. Is this a time for adding to the burdens of the nation? Must not you agree with me and with the party in the House of Commons—I think they were nearly 90 or 100 this year—who, when there was great apprehension in the country that our forces were not sufficiently large, voted for a reduction of those forces? There is now no fear, no panic; agree with me, and reduce the forces of the country.” In like manner, may we not be sure that when these apprehensions have passed away the strength of the party favourable to a reduction of the Army will greatly increase? Now, I am not speaking without book on this subject. I looked at Mr. Stansfeld's speech when he accepted office as a Member of the Cabinet, and went down to his constituents to ask for re-election. He said—

“It is quite true we have agreed to increase considerably the Army Estimates, but that was to meet the contingency of the moment. There was danger at the time that we agreed to that; but it is to be hoped, and I myself hope, that that amount will be lessened, and that the Army will be reduced. They cannot for another year make such large drafts upon the patience and the money of the people as they used to do.”

Well, this is what you have to count upon. My noble Friend the noble Duke (the Duke of Somerset) drew a distinction. He said—

“Mr. Stansfeld being now a Member of the Government, and the Government having pledged themselves to increased expenditure, you may rely upon it that that increased expenditure will be incurred, and that they will not leave a great country like this without a sufficient Army for its defence.”

But my inference is quite the opposite. So far from having any confidence or any hope in Mr. Stansfeld being a Member of the Cabinet, I infer that Mr. Stansfeld, being a man stiff in his opinion, will much more likely induce the Government next year to reduce the Army than to make any addition to it. Instead of making a Militia Reserve or an Army Reserve, a reduction of the Army will be the popular measure of 1872. These are the main reasons which induce me to vote for the Resolution of the noble Duke. I think there is but little authority to hope, and but little prospect of the promises of the Government with reference to the future re-organization of the Army being carried into effect. I think that you ought to have now, before this Bill leaves this House, the plan of the Government for the re-organization of the Army. If you insist upon that plan being laid before you — if it is produced and proves satisfactory — I shall have great hope that the abolition of purchase may really do no harm. Purchase is very bad in principle, but I cannot see that the abolition of purchase will, in point of fact, and in point of practice, give us a better military system than we have at present. I feel very great reluctance to touch, and especially to touch in the manner that is proposed, this great fabric of the British Army. It is an Army that a century and a-half ago laid low the power of France, and freed the Continent from the weight of her preponderance; an Army which, in the beginning of the present century, trod into dust the Empire of the First Napoleon; an Army which in every recent case of internal commotion has done its duty steadily and well, whether in putting down the gallant but mistaken Highlanders, and preserving the dynasty of the House of Hanover, or on other occasions in upholding the cause of order and peace; an Army which only a few years ago, defended and maintained our Indian Empire with a gallantry and a persistence of pluck against numbers which extorted the admiration of every foreign military Power. These are but a few of the things that the British Army has done. I have no expectation that, under any new regulations, it will do better in future; but, at any rate, I cannot consent to destroy the system under which that brave body of men

have been so well led, and so well commanded, and have themselves fought so well on a hundred fields of battle. Therefore, my Lords, I hope you will take time, and consider well, before you pass this Bill.

THE DUKE OF CAMBRIDGE: My Lords, the allusion which my noble Friend the noble Earl (Earl Russell) has made to the special position of the Commander-in-Chief of Her Majesty's Army justifies me in bringing prominently to your notice, on rising on this most important occasion, the peculiar position which that officer fills when he accidentally forms a Member of your Lordships' House. I say accidentally, because your Lordships must be aware that my position here is not by virtue of any specific appointment, but that I hold my seat here merely as an individual Member of the House. At the same time, I cannot lose sight of the fact that, holding that status, I have a great responsibility in connection with the Army of the country. That point has been most forcibly placed before you by the noble Earl who has just sat down, and I thank him for the very kind manner in which he has done it. I should have felt at any moment, and I feel now more especially, that if ever there was a moment when the opinions which the noble Earl has expressed on that point must strike more forcibly than at another it is at the present moment, when, if this measure be passed into law, on the Commander-in-Chief is to devolve the most serious responsibility of that selection, which all admit is difficult, and many declare to be next to impossible. My Lords, an idea was expressed yesterday that if selection were to become the rule of the service it would fall entirely into the hands of the Gentlemen of the Treasury bench who conduct the business of the country. I hope that would not be the case. My Lords, I venture to hope that such a state of things will never arise—I hope it will never arise because the Minister charged with these responsible duties should be entirely free from all political bias, all political feeling, all political impulse; and, if not, he cannot hope to command the confidence of the Army over which he presides and the confidence of the country. Therefore it is that I heard with great satisfaction the opening observations of the noble Earl.

[*Second Reading—Second Night.*]

My Lords, though selection is not the subject that is uppermost in my mind, still there are reasons why I refer to it first. The noble Lord has said that the proposed system of selection must entirely break down the regimental system. If it is to break down the regimental system, I, for one, cannot conceive anything more detrimental to the interests of the Army of this or any other country. I believe that the efficiency of the English Army, and of every Army, depends entirely upon the regimental system. Without it there would be little or none of that *esprit de corps* which is the very quintessence of a good Army. The regimental system represents the unit of the service and is the tie and bond that make an Army out of what would otherwise be a mere collection of soldiers. But I venture to imagine that when this question of selection was put forward—extremely dangerous as it may be to whoever has to administer it—it was not contemplated to break down the regimental system. On the contrary, when the question of selection was raised, I distinctly said that I did not for a moment wish to see the regimental system broken down. It is intended, unless I am greatly mistaken, that after purchase has been put an end to the system shall be one of seniority tempered by selection; for example, if an officer is unfit to command a regiment he will not, by the course of promotion, receive the command of one, and, on the other hand, eminent professional talent will be recognized and encouraged; but care will be taken, as I understand, to preserve the regimental system as far as possible, providing also that purchase does not revive under a new form. My Lords, I observed that last night the noble Lord the Under Secretary of State dwelt upon the fact that out of a number of officers commanding regiments one-half were men who had served in various regiments. That statement is doubtless correct; but I do not think that it altogether justifies the inference the noble Lord drew from it. I think it is to be accounted for by the great addition made to our forces during the Crimean War. Several battalions were then raised, and for the purpose of officering those battalions it was necessary to take officers from various other regiments; and then your Lordships must remember that the Army has been

largely increased of late years, which has led to many more changes than would otherwise have taken place. Moreover, it is beyond dispute that it is sometimes very desirable that an officer should be brought from one regiment into another, and that the regular and usual flow of promotion should be occasionally deviated from. As I have said, the regimental system is one of the most important of this or any other Army. If care is taken that purchase does not again become the ordinary course of promotion, and if promotion is made to flow on regularly as a matter of certainty in a regiment—and that, I think, is the intention of selection—I am sure it was the intention of the noble Duke and of the Royal Commission which proposed the question of selection as regards the command of regiments—I think that selection, however painful it may be to the officer who has to perform that most delicate and most difficult task, may be carried out with the confidence of the Army and the confidence of the country—and he must, of course, keep himself entirely removed from all political bias. I said, in 1857, I was prepared to undertake that office if required, and if I have the confidence of the Army and the confidence of the country, I am prepared to undertake it. Having thus dwelt upon the question of selection, I hope your Lordships will bear with me while I draw attention to the circumstances under which this subject has been brought to your notice. In the course of last summer, to the indescribable astonishment of every nation in Europe, and of no nation more than our own, we found that an immense European contest had sprung up within a short distance of our own shores; and undoubtedly the feeling of this country, shared by everyone of your Lordships and by every Member of the other House was that the military status of this country was not in a condition to meet, at a very short notice, the emergencies that might arise. We had treaty engagements which the nation was fully prepared to maintain; but when we came to examine into the state of our disorganization—as I may term it—there was little ground for satisfaction. The spirit and high character of the British nation were still the same; but our Army organization was so utterly defective that the time had evidently arrived when something

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should be done in order to place our Army on a more secure and satisfactory footing. That was the origin of the measure that is now before your Lordships. That measure, and every part of it, was introduced and recommended to Parliament on the responsibility of Her Majesty's Ministers. The person holding the office I have the honour to fill has not to initiate measures to be brought forward. He has executive duties to perform, and those duties he performs under any Government so long as he thinks he can do so with credit to himself and to the satisfaction of the country. The initiation of measures like this rests with the Government; but in the performance of my executive duties I acted in conjunction with the Cabinet in the preparation of this measure. It is essential that these things should be known in order that your Lordships may see the course of events with reference to this measure. My Lords, one of the most important points is recruiting. I have never denied—nay, I have said repeatedly in this House that I have great doubt about the question of short enlistment; still the proposal was a tentative one, and I thought short enlistment was the best course to adopt at a time when we had no Reserves, and the Government wanted Army Reserves. If you could maintain your Army to the extent which is required by long service, I, for one, should not hesitate to say that long service was the only policy to pursue, and I believe that it is the most acceptable and the most suitable to the country. But that was not the question. I do not believe that Her Majesty's Government wished to throw the slightest slur on the British Army. Your Lordships know very well that I should be no party to any course intended to throw a slur on the British Army. I thought it was right to make a tentative effort to get more men at shorter notice, and the only way of arriving at that was by a shorter enlistment. If they were not required, we had the means of reverting to the old system, and of getting back those dashing fellows whom the noble Earl has so well described. Well, that is the history of the short service proposal. I may observe, in passing, that I do not think the Secretary of State for War ever said that a six months' drill was enough for a soldier, but only that six months' drill is a great advantage; and

undoubtedly for a Militiaman six months' drill is much better than 28 days. Of course I could not for a moment subscribe to the idea that six months' drill can make a thorough soldier; indeed, I should be very sorry to see three years' service made the rule, because I think that six years is hardly enough. Then as to the question of purchase. No doubt when the proposition for the abolition of purchase was first propounded, every person acquainted with the subject felt that to abolish that system would involve an enormous expenditure if justice were to be done to the officers, and but few were of opinion that the country would be inclined to submit to the necessary sacrifice in order to carry out the change. It was natural, under these circumstances, that many should have preferred rather to retain the purchase system than to be parties to what they regarded as injustice. But viewing the matter in the abstract, I must say I coincide with the noble Earl (Earl Russell), that as a principle it cannot be defended for a moment. Therefore I entirely agree with the noble Lord who moved the second reading of this Bill, that the purchase system ought to be abolished. I have said so before, and I say so now. But it may be asked—"Why, holding that opinion, did you give evidence in favour of retaining purchase before the Committee that sat to inquire into the subject?" I did so for this reason—because I felt it to be absolutely necessary that there should be a flow of promotion in the Army, and because the purchase system maintained such a flow; and the money came out of the pockets of the officers. But now that the country is prepared to make the necessary sacrifice, and is willing to incur a vast expenditure in order to put an end to the system, and is also willing to provide good retirements, the injustice of abolishing and the advantages of retaining purchase have disappeared altogether. It must, however, be borne in mind that this is an essential element in the case, and it strikes me I have read speeches in "another place" in which my right hon. Friend the Secretary of State for War has declared most distinctly that he intends that the flow of promotion shall be maintained at its present rate. That is the essential point. If the retirements are such that the flow of promotion is maintained at the same

[Second Reading—Second Night.]

rate without as with purchase, there can be no two opinions but that it is the better way to do away with purchase. It is essential, however, that that flow should be kept up. Let there be no mistake about that—upon that the efficiency of the British Army will depend. It is very important that I should make this statement to the House, because it might be asked how, after what on former occasions has fallen from me, I could carry out the new system. But the difficulty always in my mind was the expense of the abolition of purchase, and it was only the Royal Commission which enabled the Government to meet this objection, by admitting the necessity of paying the over-regulation price, which, in strict point of law, is indeed inadmissible, but which was and is called for by principles of equity and justice. This admission of the Royal Commission, and the attitude of the Government, have entirely altered the conditions from those which existed when I gave my evidence before the Committee presided over by Sir George Grey. I frankly confess that in 1867 I was not prepared to believe that the House of Commons would act so liberally as they have done. It is very proper that they should take that view, and having taken it the matter assumes a new shape. I believe their offer to be a very liberal one—more liberal than I could ever have expected. I think it is unnecessary that I should enter into the details of this question. I may, however, state that I think that facilities should be given to every officer to exchange when he desires to take such a course, care being taken that purchase shall not be introduced under another form. I am quite satisfied that in determining the question now before them the House will take into consideration the fact that this very liberal offer has been made to the officers in the Army and the circumstances under which it has been so made. At the same time it is of course part of your Lordships' functions to exercise caution and prudence and to weigh carefully the whole facts of the case before you proceed to determine it finally. I am not aware that there is any difference between your Lordships' House and the other House of Parliament; but still the debates in this House are distinguished by a moral sharpness and accuracy not always to be found in those of the other

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House of Parliament; and under the peculiar circumstances of the case, I feel assured that the question will meet with that calm consideration at the hands of your Lordships which it so fully deserves. My Lords, I have endeavoured to avoid wearying you by entering into the details of the subject which have been very carefully dealt with by my noble Friend the Under Secretary of State, and I have carefully confined my observations to the leading features of the question. If anything has fallen from me that may tend to bring your deliberations to a satisfactory issue, I shall have the pleasure of feeling that I have performed, to the best of my ability, a public duty. But before I sit down, with your Lordships' permission, I should like to take this opportunity of stating that whatever your decision may be, I feel satisfied that the officers of the British Army of the present day—who challenge our admiration and respect, and of whom it may be said with truth that they have deserved well of their country—they are men under whose leadership the Armies of England have been successful under every clime and under every circumstances, and I for one should deeply deplore any change that might be produced by legislation in the character of our Army. With that feeling few are more deeply impressed than the Members of Her Majesty's Government. They are satisfied that the officers of our Army have always conscientiously done their duty, and that any shortcomings that may have been apparent on the part of some of them have arisen solely from the want of that experience and information which we all admit they ought to possess. I trust most sincerely that your Lordships will believe that there is no reason to suppose that the abolition of purchase will lead to any relaxation of fibre which they have hitherto shown in the performance of their duty. Had such been the case I should have been the first to have referred to it. But that character will remain intact. I believe that the character of the British officer is such that as long as the present class of gentlemen enter the service—and I am happy to say that there is an abundance of candidates for commissions—so long will the British Army be able to keep up its good name, and so long it will reflect lustre on and be honoured by the country. If the officers were not well instructed,

I should take that blame upon myself rather than throw it on them—for whom individually, indeed, I am not responsible, but for whose education, as to its mode and effectiveness, I am answerable—and I am perfectly certain that the present Secretary of State or any of his predecessors would not have hesitated in enabling me to give to them facilities for acquiring a thorough knowledge of their profession. I believe that the spirit of the British gentleman and of the British citizens is the same now as it was formerly, therefore I do not see that by making the proposed change we shall be doing anything calculated to lower the tone of the British Army. I have endeavoured to explain to your Lordships my official position in connection with this subject. I have pointed out that I have done my utmost as an executive officer to assist the Secretary of State in bringing this matter before your Lordships' House and before the country; and I can only say that, whatever may be the result of your Lordships' deliberations, the utmost efforts that I can bestow on the service to which I have been devoted from my earliest days, and to which I trust I may be permitted to consecrate the last energies of my life, to the advantage of the Crown, and in the interests of my country, shall be given—I say I am anxious to conclude by assuring you that whatever your Lordships may decide, it will be my utmost endeavour, earnest desire, and most anxious thought to carry out to the best of my ability.

EARL DE LA WARR said, he would endeavour to show that the interests of the Army as well as those of the country would be materially benefited by the abolition of the system which had hitherto regulated the accession to military rank. That system had been inquired into by Committee and Royal Commissions, many of whose Reports had not been favourable to it, and all the evils that attached to the system would, he believed, be put an end to if their Lordships took the decisive step which they were now invited to take. The question involved was whether merit should prevail. Under the purchase system the buyer of a commission attained military rank irrespective of his merits; and even when his incompetency for the position was manifest, it was always difficult to remove him from his command, because the autho-

rities hesitated to inflict the serious pecuniary penalty upon him that such a step would involve. When it was thought advisable some years ago that the junior officers should be promoted on account of good service, the senior colonels objected to the arrangement being carried out on the ground that having purchased their posts they ought not to be superseded;—and thus the intentions of the Crown were defeated by the vested rights of the senior colonels. The fact that the officers had invested large sums in the purchase of their commissions had a tendency to weaken their sense of the duty and obligations which they owed to the State, as it engendered the notion that they served for nothing. It could scarcely be maintained that it was good policy for the nation to accept their services on such terms. It had been objected against the measure that great evil would result from disturbing the regimental system. It was well known that the service was greatly benefited by fresh blood being infused into commands. But he had himself served in three regiments, and therefore he could speak emphatically of the evil of a too strict adherence to the regimental system—the old traditionary trammels in regiments being thereby swept away. The *esprit de corps* was felt the moment a man became connected with a regiment; but the system contemplated by the Government did not mean that the regimental system of promotion should be abolished, but merely enabled them to promote senior officers if they were fit and to put them aside if they were unfit. Without the abolition of purchase the authorities could not have that free action so essential to responsibility, and privileges should give way in order that Government might resume their normal position. The question of retirements was one that would scarcely be of much importance for the next five or six years, because until the expiration of that period the existing system would secure a sufficient flow of promotion; and even when it became necessary to provide for the retirements of officers the expense would be little more than the amount expended in half-pay under the existing system. He believed if that Bill passed it would be productive of immense benefit to the country. It would give a great increase of efficiency to the Army, and ultimately lead to a reduced expenditure. On all

those points, however, an element of uncertainty must mingle with the most sanguine hopes. But there could be no doubt whatever that the interests of the officers were closely bound up with the speedy settlement of that question. The officers saw that under that Bill they were offered the most liberal compensation, and what terms they would get under any other measure they could not foretell. If the present Bill were rejected it was impossible to foresee the embarrassments that would arise. A high legal authority had given the opinion that, if their Lordships threw out the Bill, there would exist no machinery for compensating officers for over-regulation prices, even if the amount to be expended on that object were to be voted by Parliament with the other grants for the service of the year; that the Government would be able to do all they sought to do for the abolition of purchase without the aid of an Act of Parliament except the granting of compensation for the over-regulation prices, and that it was doubtful whether the officers would be very grateful to the House of Lords for placing them in that position.

THE DUKE OF RUTLAND said, he thought their Lordships had been prepared for a large measure of Army re-organization and would have accepted it with gratitude at the hands of the Government, convinced that it was right to re-organize the Army. But their Lordships could not say that the measures of the Government were adequate for that purpose for the sufficient reason that they did not know what those measures were. There was no plan before them, and no proper substitutes provided for the system sought to be abolished. The present Bill was one simply for the abolition of purchase, and the question was whether purchase was so deleterious to the Army and the country as to make it worth their while to spend £8,000,000, probably £12,000,000, to abolish it. The substance of the arguments of noble Lords opposite was that the abolition of purchase would do no great harm, and that if a proper plan were substituted for it the abolition might be safely adopted. The noble Lord the Under Secretary of State in proposing the second reading of this Bill endeavoured to show that there was a scheme, and a very comprehensive scheme, which the Government intended to propose some

time or other; but there seemed to be no other scheme than that proposed to the House of Commons on the 16th February last. The noble Lord seemed to have been told that he had to lead a forlorn hope, and that when it was objected that there really was no scheme, he must make the best answer that he could. It seemed as though the noble Lord had found in the pigeon-holes of the War Office the notes of the speech delivered by Mr. Cardwell in the House of Commons on the 16th February, for all the arguments offered by the noble Lord were the very same as those offered by Mr. Cardwell in February; and he had fallen back on the plan of re-organization then announced, although it was a remarkable fact, that in all the subsequent discussions on the Army Bill it appeared never to have had a substantial existence—for from that day to this no Member of the House, either on the Government or the Opposition side, had said one word about the scheme, and the inference was that the House of Commons did not think it worth a moment's consideration. The Bill introduced with great pomp, had shrunk into insignificance—the mountain in labour had produced a ridiculous, though very expensive, mouse, and the scheme for re-organizing the British Army had dissolved itself into a proposal for the abolition of purchase. The only argument of any validity that he had heard in favour of abolishing purchase was that under the present system the officers did not obtain that professional instruction that they should have. The noble Lord who introduced the debate said that if they did away with purchase the officers would be properly educated; but how would that come about? Why was it that they could not receive that education under the purchase system? If they did not now receive such an education it was not their fault, but the fault of the War Office. The illustrious Duke (the Duke of Cambridge), to whom he gave every credit for impartiality, said that he was himself in favour of a long as against a short system of service; but he said that the Government were anxious to introduce a system of Reserves, and therefore he would yield his own opinion upon the subject. It was to be hoped that they would not ruin the Army for the sake of the Reserve. The illustrious Duke also said that if promotion were equally rapid under the new system,

Earl De La Warr

then he did not know that there would be much harm in the Government scheme. But why were we to pay £8,000,000, or it might be £12,000,000, for this doubtful experiment? The noble Lord who last spoke (Earl De La Warr) said that there was a difficulty in removing an officer who had obtained a command by purchase; but the fact was that if the illustrious Duke thought fit to remove such an officer he could easily do so. Mr. Gladstone had talked about the education which was necessary in all professions; but if it was necessary to disburse £8,000,000 to enable officers to have a professional education, would he be prepared to spend another £8,000,000 in order to send persons who were to join other professions to be educated at Oxford and Cambridge? He now desired to make a few remarks upon the competitive examination system. No doubt the system was admirable in many respects, but he believed that the illustrious Duke would agree with him that passing an examination would not furnish the only test of a good officer. They wanted for this position not only a man who could pass a competitive examination, but a man who possessed courage, physical power, and health; and one also who possessed those moral attributes that were essential to all men. He should be a man who had kindly feeling towards his men; one who studied the character of every man under him, and who, when a private soldier got into a scrape, would consider not only the fault but the general character of the man. Such an officer would say—"I know this man; he has a good heart. I would trust him in time of danger and of difficulty; he has been led by bad companions to commit this slight folly, and I will not impose upon him the full penalty, but will let him off as easily as I can." That was the way in which officers and men became endeared to one another. But the system under which these feelings had grown the scheme of the Government would break down without having anything to supply its place. Any system of selection for promotion must surely lead to jealousies and heartburnings, and to the attribution of wrong motives to those who exercised the power of selection. Such a system it would be most difficult if not impossible to work satisfactorily. The illustrious Duke said that he was willing to undertake the difficult task of

selection; but even the new mode of promotion showed that there was want of plan. The illustrious Duke, it was said, was to have the selection of officers for promotion, but subject to the approval of the Secretary for War—who was to be responsible for them—a responsibility which to be effectual must draw after it all the real power. He hoped that if the Government could not now give them a scheme of Army reform, that, at all events, they would consent to the appointment of a Commission upon the subject. It appeared to him that the real difficulty that they had to meet was to find men, not officers, for the Army. It was proposed by the Bill to take away the power from the Lord Lieutenant. If that was thought to be likely to conduce to the welfare of the Militia he would willingly resign that power; but his fear was that they would lose the local influence, and that the men they would henceforth obtain for the Militia would be the men who should be recruited into the Line. He, however, thanked the Government for one boon they were willing to grant—namely, the extension of time to be henceforth given to the Militia for training.

VISCOUNT HARDINGE said, he had anticipated, after the speech from the Throne, that he should have been called upon to co-operate with the noble Lord the Under Secretary for War in passing some well-devised scheme for the reorganization of the Army—a scheme which, by common consent, was much needed; but, unfortunately, Her Majesty's Government had thought fit to import into the consideration of that question that element of discord—the abolition of the purchase system, upon which so many different opinions existed. He could not help thinking that the plan proposed by the Government was so very vague and sketchy in its character that their Lordships would scarcely be justified in abolishing purchase on the strength of such vague promises. He should, therefore, support the Amendment moved by the noble Duke. He viewed this Bill as a measure which unsettled everything and settled nothing—that, whether it were for good or for evil, it was calculated to create a great revolution in the character of the Army—that it swept away a system, whatever its demerits might be, which had

hitherto produced the ebb and flow of promotion in the ranks of the Army, without which he did not think any proper Army could exist. As to the qualification of officers, the Under Secretary of State had quoted the Report of the Purchase Commission, to the effect that the purchase system prevented the testing the merits of officers; but it was impossible that the merits of officers could be adequately tested in time of peace. They were told it was impossible to re-organize the Army without first abolishing purchase, a system which, whatever its demerits, had secured a rapid flow of promotion, the value of which had been certified to by the Royal Commission in the following passage—

"The military force of a State is efficient in proportion as it is ready to take the field and enter on the hardships of a campaign. For this purpose it is essential that the officers should not only be acquainted with their profession, but should be qualified by their strength and vigour to sustain exertions inseparable from active warfare. A scheme of retirement which induces old officers to retire from the Army, and which replaces them by younger men, must be beneficial to the Army, and this benefit is greater if effected without cost to the country."

If they were about to organize an Army *de novo*, he admitted that they ought not to adopt the system of purchase. But, considering that that system had been in existence for a great many years, that it had become identified with our whole military system, and that under it the British Army had always maintained a glorious character in the field, it appeared to him that its sudden abolition was a step fraught with the most dangerous consequences to the country at large. He had listened with the utmost attention to the able speech of the noble Lord who introduced the measure to their Lordships, but regretted that in one part of it the noble Lord seemed to cast a slur upon the character of British officers generally.

LORD NORTHBROOK begged to say most distinctly that he had no intention directly or indirectly to cast a slur upon any officer or body of officers in the British Army.

VISCOUNT HARDINGE said, he was very glad to find that he had misunderstood the noble Lord. Nevertheless, the plan proposed in the measure of the Government seemed to imply that the British officers under the existing system were not competent to discharge

Viscount Hardinge

the duties that devolved upon them. [Lord NORTHBROOK: No, no!] At any rate, it had been asserted, over and over again. He met this assertion with the most unqualified denial, and would support his assertion by the evidence of Lord Clyde, and other distinguished officers, before the Royal Commission. Many attempts had been made in "another place" to obtain a better arrangement for the retiring officers in regard to compensation, and to modify many of the other provisions of the Bill; but the Government appeared absolute in their determination to act upon the motto—

"Sic volo, sic jubeo, stet pro ratione voluntas."

In respect to the matter of exchanges, he thought it hard, when an officer was unable to proceed to India, that he should not be afforded the means of exchanging with a poorer officer, to whom the extra Indian allowances were desirable. Side by side with this was the proposal to pass officers from the Line to the Militia. But how was this to be done? Officers could not be forced from the Line to the Militia, and if they could not be forced, how could they be induced to go? The interchange of officers, on which so much stress had been laid, would not work well; and as to abolishing the power of Lords Lieutenant over the officers of the Reserve forces, how, he asked, was the Secretary of War to be made aware of the qualifications and local connections of officers, because it was probable that Lords Lieutenant would decline to recommend? Their Lordships should be careful in dealing with this question of patronage on account of the political pressure which might be brought to bear on a central authority. The general scheme that had been sketched by the Under Secretary for War was vague, and required much more explanation than it had hitherto received. He should like to know how it was to be carried out. If, for instance, Militia regiments in Ireland were to be affiliated to regiments of the Line, were they always to be quartered in that country and recruited there? All they knew of the Volunteers was that they were to be put under the Mutiny Act—a change which met with his entire approval. There had recently been several discussions in their Lordships' House on the subject of recruiting, but that department of

our military system was still in a state of confusion. Circulars that were sent out one month were abrogated the next. At one time men were to be enlisted without pensions, then for three years, and then again with pensions, all of which tended to unsettle the minds of the soldiers. Under these circumstances, their Lordships were not justified in giving that unlimited confidence to the Secretary of State for War which the passing of this Bill would vest in him. He was not prepared to do so, as he considered that their scheme ought to be elaborated, for Parliament ought to have some control over the re-organization of the Army, which by this Bill was taken out of their hands. A Royal Commission would be a proper tribunal to which to refer the questions which arose in this matter, and believing that that step should be taken he would vote for the Amendment. In this Bill the Government failed to conciliate the officers of the Army; they did not add to the strength of the country, but swept away a system that had worked well, and they did so without providing a substitute.

LORD STANLEY OF ALDERLEY thought it useless to dwell upon the fact that hitherto the purchase system had worked well for the British Army, and that therefore no change was needed. Those who argued thus had entirely lost sight of the recent change of circumstances. Owing to what had occurred on the Continent, England required larger armaments, and the Government sought to provide a more expansive system by which they could amalgamate the various branches of the service. It was not for the interest of the nation that this question should be postponed to another Session; while to reject the Bill would be to damage the interests of the junior officers in the service, as it was doubtful whether similar terms would again be offered to them: he spoke, however, more in the interest of the country than of the officers, since he feared that if the Bill did not pass, the country might be led into some great act of dishonesty. By passing this Bill their Lordships would be imposing on the Government a moral obligation to lose no time in proceeding with the re-organization of the Army.

LORD VIVIAN said, he had always been in favour of the abolition of pur-

chase; but he objected to the Government attempting to attain that object by bringing forward the crotchet of a Minister which would not tend to the improvement of the British Army. The purchase system was to give way to that of selection; and, as he understood it, the Secretary of State for War, after receiving the reports of General Officers, such as they now furnished when they made their inspection, was to have the power of selection, subject to the authorities of the War Office, who at present consisted of Mr. Cardwell, Lord Northbrook, Sir Edward Lugard, the Duke of Cambridge, Sir Henry Storks, and Captain Vivian. He admitted that among them were two General Officers of distinguished merit; the Under Secretary for War had served a certain number of years as captain in the Yeomanry; and as to his (Lord Vivian's) brother, he had held for some years a commission in the Army, but he did not think him capable of assisting in the selection of officers under the new system. The Secretary of State for War was to have the future power of selection in the Militia. He could see a strong objection to the proposed system of selection, for he had been long enough in the House of Commons to know the pressure that was brought to bear upon a Minister by his supporters and friends; and he thought the noble Viscount on the Treasury bench was well aware of the fact.

VISCOUNT HALIFAX: I think not.

LORD VIVIAN: Did the noble Viscount mean to say he had sat so many years in the House of Commons, and did not know that pressure was often brought to bear upon a Minister? It was preposterous to say anything to the contrary. He knew perfectly well that pressure was put on the heads of Departments.

VISCOUNT HALIFAX: You know the pressure put upon yourself.

LORD VIVIAN: No—the pressure first put on the Secretary to the Treasury, and through him on the heads of Departments. The noble Viscount must know that the pressure so brought to bear on the heads of Departments was such that no man could resist it without running the chance of losing his popularity and his supporters, and that was his reason for objecting principally to that part of the scheme relative to the Militia. He regretted to hear last night the threat that issued from the Treasury

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bench, that if the Bill was not passed this Session they would feel bound to take such a line as would prevent the officers from getting one farthing more than regulation prices. He contended that the Government by bringing forward this Bill had pledged themselves to a certain course, and from that they ought not to withdraw. So far from privileged officers standing in the way of Army reform, it had been the common practice, when a regiment was reduced, to put the officers on half-pay, without giving them a fraction of compensation. He regretted, too, that so much had been said with regard to "professional" officers, as if they had not hitherto existed. He ventured to assert that in no Army in the world could they find officers more qualified to lead men, or to teach them their duty, or more able men to do their duty, than were to be found in the British Army; and he was shocked recently to find a General Officer who had commanded Armies, speak of these officers as if they were unfit to discharge their duties. The measure before their Lordships was simply one for the abolition of purchase, and for that he thought the Government were to blame, for it ought to have had a much larger scope. What the country wanted was an Army of increased strength; and the Government had met that demand by calling on the ratepayers to pay £8,000,000 for the abolition of purchase, and an additional sum of £800,000 a-year for retirements. The British Army at present was not in a position to meet a foreign foe, or even to guard our own shores properly, and the first step which the Government should have taken was to have so increased the numerical strength as to answer that necessity; if after that they found purchase in the way, they might proceed to abolish it. He regretted to have to oppose those with whom he had hitherto acted; but he looked upon this question as one in which all party spirit and feeling ought to be set on one side.

THE DUKE OF BEAUFORT said, he should support the Amendment for the rejection of the Bill. He had listened with great attention to the speech of the illustrious Duke (the Duke of Cambridge), and if that speech had contained a declaration that the flow of promotion would go on after the passing of this Bill in the same way as hitherto,

Lord Fivian

he should have had some hesitation in adopting his present course. But the illustrious Duke had carefully guarded himself with "ifs," and was evidently not confident as to what would be the result of the measure. Indeed, the illustrious Duke's speech had confirmed him in his intention of supporting the Amendment. He (the Duke of Beaufort) admitted that the purchase system was indefensible, because it was not possible to defend that which was illegal; but if over-regulation prices were legalized, as they would be by the passage of this Bill, then the purchase system would become thoroughly defensible. The measure was simply a plunge into an unknown stream, and it would saddle the country with an untold outlay in order to do that which it was by no means necessary to do. It had been stated by the Press that their Lordships were interested in keeping up purchase; but having sons already in the Army, or anxious to enter it, his own interest would rather lie in the other direction. He was sure that the feeling of the officers of the Army was against the abolition of purchase; nor did he believe there was any jealousy between the purchase and non-purchase officers. The first injury inflicted on the British Army occurred 18 or 20 years ago, when an Act was passed to shorten the period of service—the real object being not to benefit the soldier, but to benefit the taxpayer by saving him from the payment of pensions, and he pointed out at the time that after ten years' service in the Army the men would have forgotten their trades, and would have no means of subsistence; and his prediction had been realized, for he was constantly meeting discharged soldiers at a loss for means of earning their livelihood. We should never have a good Army and a good Reserve force until we resorted to the long service system, and enlisted our troops for 21 or 24 years. A man who joined the Army ought to make it his profession for life, as was the case with any other man who joined any other profession. With a long service system the men could be sent for four years to a dépôt, and then they could join their regiment for ten years; after which they might spend the rest of their time in the Militia, or in any other Reserve force. Instead of abolishing purchase the Go-

vernment should make the service more popular by bettering the condition of the soldier, and allowing pensions for good conduct. With regard to the powers which would be taken by this Bill from the Lords Lieutenant in the matter of signing commissions for the auxiliary forces, he, as a Lord Lieutenant himself, agreed that such a provision would save these officials a great deal of trouble and inconvenience; but he doubted whether it would be a benefit to the Militia and Volunteers that they should be withdrawn from that personal knowledge and superintendence which the local information of the Lord Lieutenant enabled him to exercise over them. As to the proposal to select officers from other regiments to command strange regiments, that seemed to him to be a most dangerous proposition, which would have the effect of making the adjutant the real commanding officer, as the adjutant would know a great deal more about the arrangements of the regiment than would a new colonel so appointed, and practically he would have all the power in his own hands. The present Bill was perfectly useless, and it would only make the service more unpopular than it was at present.

THE EARL OF CAMPERDOWN said, that the history of this question deserved an attention it had not yet received. Their present system of Army organization had come down to them with very slight alteration from the days of Charles II. Repeated inquiries had been made by Committees and Commissions—the most notable being that of 1857, which was presided over by the noble Duke who spoke last night (the Duke of Somerset), and which recommended the abolition of purchase. That was 14 years ago; but during that interval it had not been found practicable to carry that recommendation into effect. But last year the dreadful occurrences on the Continent, and the total breakdown of the military organization of France, had forced upon them the consideration of their military position, and the result was the introduction of the present Bill. The measure of the Government, as it had come up to their Lordships, had been objected to as being simply a measure for the abolition of purchase; but that objection was no longer tenable, for after the speech of

his noble Friend the Under Secretary for War it could hardly be said that the Government had put forward no proposals for re-organization. It was admitted on all hands that purchase in the abstract could not be defended; but it was urged that it was very valuable in respect that it kept up a constant flow of promotion. But it was forgotten that that flow of promotion was only an interchange among the younger officers of the Army, and did not affect those officers of experience and acquirements which were essential to high commands:—and it did not touch the scientific branches at all. It had been said that the purchase system had never broken down. Of course, in time of peace it would never break down—and in time of war it was superseded. With regard to the question of Army organization, it must be evident to all that it would have been impossible to have laid a complete scheme of re-organization upon the Table of the House. One of the chief things to be borne in mind in discussing the question of Army re-organization—and it was a point which was too often forgotten in military debates—was, that they had no compulsory service, and that the country, through its representatives, had again and again refused to adopt the compulsory system. That, no doubt, made the subject of recruiting a difficult and complicated question. With regard to the vaticinations uttered on the working of the principle of selection, he felt confident that they would prove as unfounded as those which were offered respecting its operation in the Navy. The noble Earl on the cross-benches (Earl Grey) had expressed great fear of the importunities of the Secretary of the Treasury; but during the time he (the Earl of Camperdown) had been at the Admiralty he had never seen that gentleman, and did not remember any instance of his making recommendations. The noble Earl was afraid also that the Commander-in-Chief would wish to promote some person and the Secretary of State another, and that the former would be in the invidious position of having either to affront the Secretary of State or to give up his own opinion of fitness. But such collision was not very likely to occur. In the Navy when a question of promotion arose the First Lord read the tabulated reports, consulted his naval advisers, and then made

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the promotion: and he had no doubt that if this proposal of the Government was adopted the Secretary for War would not treat the Commander-in-Chief as a person of no consequence, but, on the contrary, that he would take no step with regard to promotion without consulting him. He now came to the opposition to the Bill on the ground that no scheme of retirement had been formed. But the reason was because there were no facts to go upon. In the Navy the case was very different. There all the officers were in the same position; there were not some purchase and some non-purchase officers. Then the number of ships in commission and the complement of men and officers that would be required were known, and thus calculations for a retirement scheme were very simple. In fact, it all came to this—how much money would be required in order to pay the officers a proper consideration for retirement. But a retirement scheme had nothing to do with a Bill which dealt with the abolition of purchase. But in the Army they had not the same data to go upon. They did not know what effect the abolition of purchase would have on retirement, nor the number of officers that would be employed in future, nor the effect of interchanging officers between the Line and the Militia, and so on. Sir Percy Herbert had attempted to draw up a scheme, but his figures were found to be all wrong; nor had the noble Duke who moved the Amendment (the Duke of Richmond) been more successful. But this, at all events, might be said—that if we were to keep up an efficient Army, whatever retirement might cost, we must make up our minds to pay it. But even if their Lordships had a retirement scheme before them, it would be of very little use. Since the year 1816 their whole naval system had been nothing but a succession of retirement schemes. Under the noble Duke (the Duke of Somerset) there were three schemes, and when Mr. Childers came into office, he introduced another. If therefore their Lordships threw this Bill out because a retirement scheme was not laid before them, they would do something absolutely contrary to common sense. He wanted to know whether it was in the interest of the officers themselves that their Lordships desired to keep up the purchase system? It should be remem-

The Earl of Camperdown

bered that it was proposed to recognize the over-regulation price; the offer was considered most liberal by no less an authority than the Commander-in-Chief; the country had manifested its opinion; and it could be hardly in the interests of the officers that their Lordships should continue to protest against what everybody saw was coming.

VISCOUNT MELVILLE said, that as one who had served for 50 years in Her Majesty's Army, he wished to address a few words to their Lordships on this Bill. He had yet to learn why it should be necessary to do away with a system from which the country had derived such great advantages. It had been said that a proper re-organization of their military force was not possible so long as purchase existed. But purchase had nothing whatever to do with their having an effective force—to say that purchase stood in the way was a pretence—a subterfuge—nothing else. The Army at the present moment was as inefficient as it could be—the review on Monday was a proof of it. In regard to the abolition of purchase, according to the Paper that had been laid on the Table the payments were to be made in sums spreading over a series of years—a sort of promissory notes, of which the security was extremely bad. Everyone knew that the temper of Parliament changed in the course of time, and who could say that the Government of the day for the next quarter of a century would be able—even if it were willing—to obtain the continuous payment of these sums? He thought that far better security than that that was now proposed should be given to the officers. It had been argued that many officers now entered the Army for a time only, and with no intention of making it their profession. However that might be, he was certain that the British officers were the equals of any to be found in any Army. And would the officers be more likely to remain if purchase were abolished? What inducement was offered to anybody to enter the service? As a mere commercial speculation, would any father, after spending £1,000 on the education of his son, put him into the Army, where on entering he would be paid as much as a footman, and after 25 years' service, and when he became a lieutenant colonel, as much as the foreman of a large shop? He must say one word, before sitting down, as to

the efficiency of their Army at the present moment. If a war were to arise, they had not an effective regiment to send out of the country; while the condition of the Cavalry made him quite melancholy; and as to the Army Reserve, it was a fiction—it did not exist. The Duke of Wellington dwelt strongly on the necessity of keeping up an efficient force. Last year 20,000 men were voted, and when February came they were not forthcoming. He did not attach much importance to depriving Lords Lieutenant of their power of appointment; but would warn the Government against destroying local influence on which Militia recruiting depended and the Militia frequently enlisted. Believing that the scheme of the Government would not bring them a better class of officers, and that there was no guarantee that these sums would be ultimately secured for the officers, he would give his vote in favour of the Resolution of the noble Duke.

THE MARQUESS OF HUNTLY said, the noble Viscount who had just sat down (Viscount Melville) complained of the smallness of the British Army; but surely he must know that its numbers had been increased lately. The British Army was now larger than it had been at any previous time in this century. He wished the noble Viscount to inform the House to what numbers he wished their forces to be increased.

VISCOUNT MELVILLE: I should like to see an Army of 200,000, or at least 150,000, men in England and Ireland, and a Militia of 200,000.

THE MARQUESS OF HUNTLY wanted to know how many men the noble Viscount would wish to see in India and Australia. He (the Marquess of Huntly) did not think that their Army ought to be a large Army. He rose merely to notice some observations which fell from the noble Earl sitting on the cross-benches (Earl Grey) with reference to the Army in India. He did not catch those observations last night, and he waited to see the report of the debate in *The Times* this morning. The noble Earl, speaking on the question of selection, was reported to have said—

“But in the Army, on the other hand, unless you destroy the social system of the regiments, the advantages of which are acknowledged, the officers must live together for many years; and if you promote a man by selection on grounds

which cannot be very clearly explained, how are you to expect either the officers themselves or the public to be satisfied that the promotion is fairly given? Again, the noble and gallant Lord says he has seen armies worked very successfully in this manner in India. Yes; but India has a despotic Government, and there is no Secretary to the Treasury in India. There are no constituents and no Members of Parliament in India to come forward and press the claims of particular officers. And do you think that an officer serving perhaps in some unhealthy part of India, and doing his duty faithfully and honestly at that distance, would stand a fair chance in competition with some officer at home with powerful friends and relations in Parliament to back his claim?”

The noble Earl might as well have said that the Government of this country was despotic as to have so characterized that of India; and it was as absurd to say that the Commander-in-Chief in that country was ignorant of the qualifications of those of his officers who were quartered in unhealthy districts as it would be to say that the Commander-in-Chief in this country was ignorant of the qualifications of officers who happened to be quartered for the time in the North of Ireland. He believed that the system of selection carried out in the old East Indian service was the best that could be devised, and it was under it that such men as Neill and Outram had obtained their promotion. He had the same confidence that selection would be fairly and efficiently carried out in this country. Unless the Commander-in-Chief and the Secretary for War were competent to select their officers, they were unfit for their posts. As His Royal Highness the Commander-in-Chief had pointed out, great danger would result from leaving the Army in a state of expectancy with regard to this measure—more especially when it was understood that the House of Commons were willing to provide the funds necessary to carry out the proposed change, including the cost of the over-regulation prices. In his opinion this measure ought not to be fought on the question of purchase alone, it being a mere branch of a great scheme for the re-organization of the Army, and it being impossible that any such scheme could be even commenced to be carried out until the system of purchase was abolished. Under these circumstances, he should support the measure on the ground that it proposed to abolish purchase, and to place the power of selection in the hands of the Commander-in-Chief.

[Second Reading—Second Night.

THE DUKE OF MANCHESTER said, he entirely agreed in the statement that had fallen from one of their Lordships in the course of this debate, that if the abolition of the purchase system were to be properly carried out it would do no harm to the Army. The noble Lord the Under Secretary for War had suggested that under the proposed new system they would obtain "professional officers." But the question was, who were to be considered "professional officers:"—because if that term applied to those officers who intended to devote their lives to the service, then all those who did not intend to sell out were entitled to the appellation. Many of their Lordships were aware how very large a number of thoroughly efficient officers were in their Army. He had conversed with many German officers with reference to a very gallant English officer, formerly in the Scots Fusiliers—Colonel Pemberton—who lost his life during the late war, and they one and all bore testimony to the esteem in which he was held for his great professional knowledge. Colonel Pemberton, however, had not been specially educated, he had not served on the Staff, but was simply a regimental officer. Their Army might boast of many officers of equal attainments. Some remarks had fallen from the noble and gallant Lord who had lately commanded the troops in Ireland (Lord Strathnairn) which might be construed rather to the disparagement of certain officers who had been under his command, but the deficiencies to which he referred had nothing to do with the system of purchase, nor indeed with the want of book-learning. What their officers required in order to render them efficient was not so much book-learning as practice in the field, so that they might be able to act against bodies of troops who might be opposed to them on ground of various characters. He hoped the Government would provide some means of giving their officers the opportunity of practising the movement of troops, because in that way they would obtain higher professional capacity. He agreed with His Royal Highness the Commander-in-Chief that if the existing system of retirement were to be abolished a complete system of retirement would have to be established in order to maintain an equal flow of promotion to that that they had at present.

He grudged the enormous expense of the abolition of purchase, thinking the money might be much better employed in increasing the defensive power of the country. When the war broke out on the Continent last year, the one thing that struck him was that they had no Army in England. They had undoubtedly good "tactical units"—to borrow the phrase of the Under Secretary of State; but it required organization among the regiments as well as organization in the regiments to make them efficient in the field. Unfortunately, at present their tactical units were exceedingly weak; they had also heard lately that many of the men in their regiments were extremely young; and it would take 10 or 12 battalions to make up a respectable brigade, instead of two regiments, if they had to send a force against an enemy. When they were brought together they would have to attach to each brigade, and still more to each division, waggons for the supply of ammunition, of regimental equipments, of food, and of tents. He did not know whether those waggons were at present in existence—if they were they were probably lying in store at Woolwich with their wheels off. In the late campaign what really prevented the French from concentrating in an efficient way was the want of waggons. Another deficiency that would be found to exist if they had to send a force into the field was in artillery. The Government took credit—and so far they deserved credit—for having increased their artillery; but they had only enough at present for 80,000 or 90,000 men. The Secretary of State for War had calculated the number of troops available for the defence of the country, including the auxiliary forces, at 500,000 men; and the complement of guns required for such a force was 2,000. Therefore, if the country was invaded, they must either send out those troops without a sufficient amount of artillery, or they did not reckon on their auxiliary forces being used in the field at all. A distinguished Member of the Government—Mr. Goschen—said, at a recent public dinner, that he would have "faith in the inexhaustible pluck of Englishmen to pull the country through all its difficulties." What did that mean? He thought it meant an awful sacrifice of life, in order to repair the disastrous results of maladministration. He said

it was criminal to send troops into the field in such a state that their "inexhaustible pluck" alone could pull them through their difficulties, and that troops, however brave, ought not to be exposed to unnecessary disadvantages. The Secretary of State for War stated in the other House that in a case of supreme necessity the obligation to defend the country would be universal, and would, no doubt, be readily and universally responded to. But another lesson to be drawn from the late war was that when an actual emergency arose it was months too late to make preparations. Those preparations should be made beforehand; and, as was shown by the experience of the French, especially on the Loire and at Le Mans, the troops whom they brought into the field should not only be properly drilled, officered, armed, equipped, and clothed, but also organized in regiments where they knew each other, and their officers and non-commissioned officers knew them, and they again knew their officers. The raw levies of the French were annihilated or scattered like sheep before the disciplined forces of Germany; and though they, no doubt, claimed some successes, their successes were chiefly outpost affairs. With all their "inexhaustible pluck," Englishmen could not be expected to show their valour unless they had been previously drilled and were properly organized. It was said the interruption of industry incident to compulsory service was a more costly mode of raising an Army than by hiring men to enlist voluntarily. He did not think so. In a recent debate on recruiting, it was stated, and not contradicted, that by the time young men reached 20 they had generally chosen their occupation in life, but had not done so at 18. If therefore they were drilled while between 18 and 20 they would be making no sacrifices of their time nor deranging the industrial operations of the country. It would be impossible to adopt the strict Prussian system in England, because of the necessity they were under of sending troops to India and their colonies; but they might still apply certain valuable parts of the Prussian and Swiss system to their defensive organization, by which every man in the country would be drilled and trained. That would be a cheaper and more advantageous mode of expending their money than in the abolition of

purchase. He was convinced that the abolition of purchase would not improve the character of their officers or add to the strength and efficiency of their Army, and he should therefore support the Amendment of the noble Duke.

THE EARL OF DERBY: My Lords, I hope it will not be necessary for me to occupy your Lordships' time for more than a few minutes;—and, indeed, if I had consulted my own feelings and wishes, I should have remained altogether silent to-night. But having been a Member of the Royal Commission which sat in the year 1857 on the subject of Purchase in the Army, where for the first time the whole principle and working of that system were fully and seriously examined—having from that day to this watched the progress of opinion upon that question with considerable interest—and having, moreover, the misfortune to differ, not indeed from all, but I am afraid from the majority of my Friends on the subject, I do not feel that I should be justified in giving my vote in the division without stating fairly and frankly beforehand what course I intend to take, and what are the reasons that influence me in taking it. The scheme the Government has laid before us may be divided into two parts—One proposes to abolish purchase, the other consists of a vast mass of details which I do not purpose now to criticize, but as to which I hold my noble Friend (the Duke of Richmond) was perfectly justified in saying nine-tenths of them might very well be carried into effect whether purchase was abolished or retained. In fact, those changes must be made if they are agreed on irrespective of the abolition of purchase, because that process cannot be completed until the last purchase officer has retired—an event which will not happen for some 40 years to come. Of course, no one would contend that the other changes in the Bill could be postponed until then. It is a fair matter for comment how far these various measures—including short service, the creation of Reserve forces, and the reorganization of the military system—realize the expectations held out at the beginning of the Session. Another question of more interest and importance to those who look at the matter rather as an Imperial than a personal question is, how these changes will work in practice; but that is a branch of the subject

[*Second Reading—Second Night.*]

I will leave to those who have more military knowledge than I can lay claim to, because I have seen enough to show me that when outsiders take up military questions they generally make curious mistakes, especially when they come to details. I do not know much of military matters; but I know enough to induce me to leave their discussion to those more competent to deal with them than myself as far as the details are concerned. And I am the more willing to leave on one side this part of the question, because it is perfectly clear that if we had simply to deal with the creation of a Reserve and the re-organization of the forces—important as those subjects are in a national point of view—we should not be discussing the subject in a debate of two or three nights, nor would the points at issue create one-tenth of the interest this question now attracts out-of-doors. My Lords, the issue before us—not of course the only issue, but still that which is by far the most pertinent and important—is, whether we intend to abolish the system of purchase in the Army. We may comment on other matters; we may discuss other projects for amending our military arrangements; but this, after all, is the question as to which the country is waiting to see whether we say Aye or No. If the Government are wrong in this proposal, then I should be the first to say their plan ought not to be accepted merely because it may contain some other proposition which we think it desirable to accept; if, however, they are right in this proposal, I do not think the plan which they lay before us ought to be rejected merely because some, or many, or even most of us, may think it imperfect and incomplete, and may consider that many other provisions ought to be included in it which we do not find there. It is upon the purchase question that we have to say Aye or No, and my noble Friend (the Duke of Richmond), whose straightforward way of dealing with public questions is acknowledged on all hands, would, I am sure, be the last person to deny that the proposal to appoint a Commission to inquire into the whole subject—considering that, if appointed, it could not come to a decision for a year or two—is only a polite way of telling the Government and the majority of the House of Commons that they must take back this Bill and re-consider

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it. I agree with my noble Friend that if it be right to reject the Bill, it is quite right to do so in the most agreeable manner; but your rejection of it will not be the less a rejection because it is couched in the least offensive form. I confess it seems to me useless if you think the abolition of purchase is right in itself, or, even doubting its expediency, if you consider it as unavoidable—it seems to me it would be useless to say you will not take that step because you wish some other and further step to be taken at the same time. The only argument I have heard bearing on that point is one which has been referred to by the noble Duke who spoke last (the Duke of Manchester). It has often been said that the cost of compensation on the abolition of purchase would add £1,000,000 a-year of dead weight for many years to the Estimates, and that this extra charge would leave a smaller sum available for other reforms which are more urgently needed. That is a perfectly fair way of putting the question; but, before we admit the validity of the plea, you must show that you will not want that money for other military reforms 10 or 15 years hence, or are less likely to want it then than you do now. If the ordinary expense of the Army continues as at present—and some wish it increased—and this irrepressible purchase question is to crop up again, you will be brought face to face with this alternative—either you will have this £1,000,000 a-year to add to the Army Estimates, or you will have to lessen the Army Estimates by that amount in order to get rid of it. What I contend for, then, is that if the thing is to be done you cannot show any valid reason why the present time should not be as good for doing it as any other. Well, the first question I have to ask myself is—supposing I personally saw nothing to object to in the purchase system, supposing I took a lenient view of purchase, or even a highly-coloured view of its merits, such as is taken by those distinguished officers who have so energetically defended it in “another place”—still the question I have to ask is, not whether these are my own views personally—not whether they are the views of a small or even a large number of people in my own class of life—but whether they are likely to be the views which will be adopted by those who are the governing power of

this country. What is in the last resort the governing power in this country? It does not rest with this House—and I may say so with perfect absence from offence, because I can equally say that it does not rest with the other House any more than with this. My Lords, the final, the decisive appeal is to the constituencies, and the question you have to ask yourselves is, supposing you can postpone the question one, two, or three years, what will be the decision when the judgment of the constituencies comes to be taken upon it? I suppose everyone will admit that there is no gain, and there may be considerable inconvenience, in throwing out a Bill of this kind for a year or two if at the end of that time we are necessarily called upon to pass it. I cannot think it a dignified course—I cannot conceive of a course more useless either to ourselves or to the public—than to put out our strength merely for the purpose of postponing for two or three years a settlement which we believe to be ultimately inevitable, unless we have a reasonable and well-grounded hope that in the interval we shall be able to modify the terms of the settlement which will be ultimately come to. Is there any reasonable prospect of that? No institution can stand in the long run which does not admit of being successfully defended before an audience composed to a great extent of partly educated—and I am afraid in no small extent of uneducated—persons in all the excitement of a contested election. It is not enough that the system should commend itself to those who have had practical experience of its working. Any institution which is successfully to be defended must carry its justification upon its face, or else it is quite certain to go down in the first gale of popular opinion. And of this I am sure, that there is no subject which is so easily obscured by misrepresentation—whether wilful or the result of ignorance I will not say—as the system of military purchase. If you were to ask the first 20 persons you met in the street what their opinion of purchase is, perhaps nine out of ten would not know what you meant, and, on the other hand, probably the tenth man, if he were examined as to his belief, you would find had some vague idea that at the War Office or Horse Guards there was a shop kept open for the sale of military commissions, and any-

body who had in his pocket £5,000 or £10,000 might go in and buy a colonelcy, just as he would a picture or a park. Notions of that kind may show great ignorance; but, recollect, although that may be an unpleasant consideration, it is useless to ignore the conditions under which we live. Recollect, the ultimate decision of this question rests with persons to whom views of this sort may be reasonably ascribed. And I do not think I am alone in taking this view. I have watched—as we have all watched—with great interest the proceedings on this subject “elsewhere,” and I confess I have been very much struck with the fact that those who most strongly opposed the Bill of the Government have shrunk from committing themselves to any direct defence of that system with which you are proposing to do away. They complained of the incompleteness of the measure, and found fault with its details; but I do not think I observed, even among those of whose genuine Conservative feeling there could be no doubt, any declaration that they thought the purchase system a good one, and that they intended to stand or fall by it: and if the question should come before the country in the shape of an appeal from the Government, I wonder how many candidates would permit the success of the election to depend upon their adherence to the purchase system. It is hardly necessary to go into the abstract question, because an institution of which the public are determined, for whatever reason, to get rid is simply “a dead horse.” The animal may have every conceivable merit that a horse can have, but you cannot bring him to life again, and there is an end of the matter. If that is to be the end of it, what is to be gained by delaying the settlement? If nothing worse happened, still to a large number of persons whose interests are concerned, the mere suspense is exceedingly inconvenient. No man at the present time can sell his commission, because selling implies a buyer, and I apprehend that in the uncertainty which actually exists you are not very likely to find anyone who will buy. Suppose that state of suspense prolonged for two or three years. In the course of nature a certain number of officers intending and desiring but unable to sell their commissions will die, and in every case of that kind the value of the commission will

[*Second Reading—Second Night.*]

be lost to the family. And though I do not want to go over ground that has been often trodden, still you must consider what will happen with regard to over-regulation prices. They have been tolerated, they have been recognized, but they have never been legalized. Supposing you continue the purchase system for an indefinite number of years, what is to happen as regards over-regulation payments? It is not enough to say that you will not abolish purchase. Now that attention has been called to the subject, it cannot be left to go on on its old footing. One thing or another must be done—either by Act of Parliament these over-regulation prices must be expressly legalized—and I leave noble Lords to judge for themselves as to the chance of a Bill of that kind being passed by the House of Commons—or the officers must lose their £2,000,000 or £3,000,000 which they have invested in that manner. We must not lose sight of this. I heard it said by a noble Earl, who spoke with all the authority of venerable age and great position (Earl Russell), that the Government ought not to interfere with over-regulation prices, because they are pledged by the offer they have made, and that that offer, if it was an unfair one, ought not to have been made in the first instance, but that if it was fair they ought not to withdraw from it. As far as the Members of the Government are concerned, I am perfectly ready to accept that argument; but we must recollect that the matter may not rest either with them or with the House of Commons. It may go to a very different tribunal, and if a little popular feeling is excited on this subject, I would not answer for it but that there may be a considerable number of electors who would rather enjoy the safe spoliation, under what would be a plausible pretext, of men whom they consider to belong to the richer classes. If the system is doomed, I cannot see what is to be gained by delay. What does that delay involve? It involves inconvenience and uncertainty, and certain loss to the families of those who may die in the interval. I do not suppose that any are so sanguine as to imagine that they will obtain a better settlement than is now offered, nor do I believe that any considerable number would ask for it. I say nothing as to the obvious inconvenience to the military service that would

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arise if this question is hung up for some years. You have two classes of men to consider—those who enter the Army under the purchase system, and those who would enter it if that system were abolished; but one thing is perfectly certain, that neither the one nor the other will be very ready to enter the profession while a state of uncertainty exists as to whether purchase will be continued or not. After all, the main point is this—The officers of the Army are a class for whom we feel, and ought to feel, the greatest consideration. They have invested a sum which has been variously reckoned at from £8,000,000 to £10,000,000 in what I may call a Government security. That investment has, by the force of circumstances, been rendered very precarious; and the question which I have now to ask myself and you is—“Are we acting as friends of these men; are we giving them judicious advice if we counsel them to refuse a settlement of their claims, which a great majority of them admit to be not only just but liberal, and if we advise them to hold on in this investment which is becoming more precarious from year to year?” There is another point from which this subject can be looked at. I look at it as it bears on the power and position of this House. Is it quite certain that our consent is in strict law required to the proposal contained in this Bill? I do not speak without the sanction of high legal authority, and legally I believe our consent is not necessary. Purchase does not rest upon any Act of Parliament, and it can be abolished without an Act—the abolition can be effected by a Royal Warrant; and as to compensation, certainly for the legalized price—and, as I believe, for the over-regulation price, too—a vote of the House of Commons is sufficient. If we object—if we record our objection, and yet the step is taken without our consent, does not our position become—I use the word with all possible respect—somewhat ridiculous? I quite admit that in such a case, whatever ridicule there may be will not be confined to one side of this House, because it is eminently inconsistent and even absurd for a Government to begin by asking the authority and the sanction of this House to a step which they contemplate, and then, if that sanction is not given, to say—“Never mind; we can do just as well

without it." In a party point of view that might be some consolation; but I confess it does not reconcile me to the fact that in the ridicule or discredit—if discredit there be—both sides of this House, and both parties, would share equally. The objections which have been raised to the abolition of purchase mainly resolve themselves into two—one is the social argument, that you will lower the general status of the officers; the other is the professional argument—that under a non-purchase system retirement will not be effectually provided for, and a block will occur. As to the first of these objections, although I do not agree with the reasoning, I confess I do very thoroughly sympathize in the feelings by which that reasoning is prompted. It may be a matter of prejudice, but for my own part I should very deeply regret if the officers of the Army, as a class, were to become different from what they are at the present time. The popular notion on the subject is that the officers are an especially aristocratic class; but that is nothing else than a delusion. No doubt, many commissions are held by members of the aristocracy—most of your Lordships have relatives in the Army as you have in other professions; but the great bulk of those who constitute the Army, as anybody may satisfy himself by looking through the *Army List*, may be very fairly divided between what we vaguely call the upper and the middle classes. I have never been able to see why or how the abolition of the money qualification is to make any difference in that respect. Many officers, with the smallest private means, are gentlemen who are connected, not remotely, with very distinguished families; younger sons we know are almost proverbial for their poverty. On the other hand, we find in modern society a large number of men who have possessed themselves of very abundant material resources, but who cannot be said to have any other claim or qualification to the title of "gentleman." If you substitute for the money an educational test—which seems to be a very favourite theory at present—still careful training and cultivation from the earliest years are articles involving some expense, and comparatively few persons will be able to obtain them in a gratuitous manner. From a national point of view, I must

admit the other question involved to be a more serious one. I mean the matter of retirement, and I should not feel that I was arguing the question fairly if I did not admit that there is, with regard to that, a difficulty which it is useless to ignore. The noble Duke (the Duke of Richmond), in calling attention to that part of the subject last evening, stated some facts relative to the delay of promotion in non-purchase corps which I think formed a most important contribution to our information upon the subject, and of those facts no one has effectually disposed. But then the question is whether you will not retain, at any rate to a great extent, that main advantage of the purchase system—for I do not deny that it is such—without retaining the system itself. I entirely concur with those who say that it is important not to exclude altogether, nor in a great degree, from the military service that large class of officers who go in the Army for a few years, not relying upon it for a living, and not intending to follow it to the end of their days. If you are to have in the Army none but needy men—none but men who depend for their living exclusively upon their pay—of course all of them will hang on as long as their health or the rules of the service will allow, and then there will be either great hardship if you compel them to retire, or great public inconvenience if you allow them to remain. What I would point out in reference to this matter is that when you say the purchase system shall not be continued you do not by any means pre-judge that which is in the power of the Crown, or practically of the Government of the day—namely, the manner in which the first admissions to the Army shall be made. It is proposed that a certain number of those first admissions shall be made by competition; and I do not object to that, for I was one of the very first who supported the system of open competition for the Civil Service. It has given you very good Indian civil servants; it will, doubtless, give you very efficient clerks, and I have no objection to try it with the Army. But it does not follow that a system which has given you good clerks will also give you efficient officers, and I therefore recommend you to try the system as an experiment, but as an experiment only, and not to rely exclusively, or even

[*Second Reading—Second Night.*]

mainly, upon it. Quite apart from the question of personal efficiency, you have to bear in mind that in the nature of things you will always want a much larger number of officers in the lower grade than in the upper one, and, therefore, if you can only get useful and effective service out of an officer during the time he is in the service, he who is willing to retire before he comes to the upper grade is a benefactor to his comrades and to the service. Tolerably hard work is done in public offices and in Parliament, not to mention other branches of the public service, by men under no stimulus of pecuniary pressure. I am not saying anything against the proposal to increase very largely the class of what are invidiously called "professional officers." By all means have enough of them to leaven the lump, and leaven it thoroughly; but do not totally exclude men who are willing for very small pay to devote the best years of their lives to the Army, and who are kind enough to take themselves out of the way just at that point at which the competition becomes severe. I see nothing in the Bill to make it impracticable that, while you have a certain number of first appointments by competition, you should leave a large number to be made otherwise, and I am therefore ready to accept this part of the scheme. As to the rest of the plan, not having the practical knowledge of many of my noble Friends, I am not prepared to criticize it. I am surprised that the system of universal and compulsory soldiership should have found so much favour among a section of the public, and I am glad the Government have not introduced it into the Bill. I am convinced that any arrangement of that kind is militarily unnecessary; that economically it would be wasteful; that practically it would be unworkable, and that were it introduced it would in a very short time become so odious to the community at large that, at the cost of some discredit and loss of reputation abroad, you would have to abandon it. The weak point about this scheme, and perhaps about all schemes that are likely to be brought forward, is that it will obviously involve a great expenditure. Now, I am afraid we must look forward to a time when, if peace continues—as we hope it will—the British taxpayer will not be content to contribute £16,000,000

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a-year for Army Estimates. What I fear is, that a cry for economy will again be raised; that it will of necessity be given way to; that we shall have reductions made in haste, at great hardship to individuals, and with great waste of material resources; and when that economy has prevailed for a few years we shall have another panic, and the expenditure will be raised again. It is not a matter which is in our hands, nor, except to a very slight extent, in those of the House of Commons to remedy; but it is not altogether creditable to the people of this country that there is this liability at one time to foolish and unnecessary panics, and at another time to exaggerated demands for immediate reductions, which cannot be made without injurious consequences. The noble Earl who addressed the House last night (Earl Grey) spoke of the possibility of the promises which the Government have made in reference to their future scheme of Army organization not being fulfilled. All I can say is, that if and when that is so let us by all means find fault. Either things ought not to be promised, or being promised they ought to be performed. That is a question which may or may not arise. The question immediately before us resolves itself mainly into this—whether purchase should be abolished or maintained; and on that subject I am compelled by a conviction of many years' standing to say—Get rid of the system now, get rid of it while public opinion is favourable to a fair and liberal settlement, and while you can do it without wrong or injustice to any individual or class.

THE EARL OF CARNARVON: My Lords, I have known my noble Friend so long and so well, and have learnt to appreciate so much the force and vigour of his logical mind, that I always prefer to agree with rather than to differ from him, but I cannot, he must pardon me for saying, on this occasion, follow his course of argument. I agree with him, indeed, that if it is intended by a small section of the extreme Liberals by this measure to involve a total change in the character of our officers, they will probably be disappointed. I agree with him also that a great deal of misapprehension with regard to purchase exists in the public mind:—but I think that the debates which have now taken place on the subject will have effectually dis-

posed of the notion that commissions are put up to auction, and that the highest bidder can obtain whatever he wants. I share also my noble Friend's apprehensions that a time may come when the cry for economy would be raised, and when the legislation now proposed will be thought too liberal. I must, however, demur to one or two points which he has addressed to your Lordships. He prefaced his observations by saying that we ought not to reject this Bill merely because it comes before us in a very imperfect shape. In this question of purchase is unfortunately involved the whole question of Army organization. The illustrious Duke on the cross-benches remarked this evening with perfect truth that the question of purchase is in fact a question of retirement; and therefore I maintain that the subject of retirement is of the very essence of the matter. My noble Friend used an argument with which I cannot agree. He said, as I understood him, that every institution of the country must stand or fall, not by the light of calm and dispassionate reason, not by the fair requirements of ordinary English intelligence, but by the claims and requirements of the lowest class of intelligences, who form a portion at least of the electors. Now, I am quite aware that there are a proportion of electors who are inclined to take sometimes a less reasonable view of public questions than might be desired, and who are liable to be carried away by unreasoning impulse; but I should think poorly of the common sense of the great mass of my countrymen if I did not believe that such a question would, on the whole, meet with a fair and candid reception, and would be measured and decided by all the requirements of a reasonable intelligence. I am aware that in the times in which we live every institution must show a *raison d'être*—must to use a legal phrase, “show cause” for its existence. But my noble Friend's argument would carry him a great deal further than he desires. I venture to say that if my noble Friend's argument were to prevail, no institution in the country, from this House to the Church, and from the Church to the Monarchy itself, could bear to be submitted to such a test. My noble Friend also alluded to the possibility, if this Bill should be rejected by your Lordships, of the Government

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having recourse to a Royal Warrant and a financial vote of the House of Commons to carry out this scheme. I will not attempt to argue on the supposition—my noble Friend himself disposed of it when he pointed out the inconsistency, the palpable absurdity, of such a course; and I think he might also have well alluded to the utter want of good faith which would be displayed by any Government that dared to act in that manner. It has been repeatedly urged that we on this side of the House do not vindicate the purchase system. Now, I frankly admit—as, indeed, I stated at the beginning of the Session—that I have no theoretic love for the purchase system. Stated in the abstract, it involves many obvious anomalies; but at the same time I desire to show on what grounds I am prepared to accept the Resolution of my noble Friend. I object to the Bill, first, because it neither contains or is accompanied by any real scheme of re-organization; next, because all the essential principles of Army re-organization and reform which you desire to be carried out can be carried out quite as well without the abolition of purchase as with it; thirdly, because in thus summarily abolishing purchase you incidentally lose certain indirect advantages which attend it, and still more, incur very serious risks; and, lastly, because the measure must involve an enormous and perhaps indefinite burden on the taxpayers. The noble Lord the Under Secretary for War, when he addressed the House last night, met the Resolution of my noble Friend by affirming that he had a plan to submit to the House. I thought it singular that it should have been concealed for so many months from the House of Commons and reserved for the last moment here, and I could not but think it was a poor compliment to the House of Commons to allow them to discuss the details of the Bill for three or four months without the plan being communicated to them. The noble Lord, however, proceeded to give us a string of very interesting details, but details which I recognized as very old friends, being scraps and odds and ends of all the General Orders and Circulars which have been issued during the last few years. I read them all in the papers at the time, and I believe there was scarcely one which the Government have not admitted in

3 K [Second Reading—Second Night.]

the House of Commons could be carried out quite as well without the abolition of purchase as with it. But, then, what becomes of the famous plan? It consists in a certain measure of details without, as my noble Friend (the Duke of Richmond) remarked, any link or connecting principle; while they are so essentially matters of detail that it is impossible to understand them unless the details are given. For instance, the noble Lord talks of a general system of competition, but only in the vaguest manner—he does not say what are the terms and conditions, and to what extent it is to be applied. On these points we are left in the dark. So, again, of the system of selection, he throws no light on that subject. Then he tells us that the Militia is to be trained for a longer time, but he says nothing more about it. He tells us that a system of retirement is to be framed, but most carefully guards himself against giving us the faintest idea how it is to be carried out. Then there is another point. My Lords, there is a vast difference between the promises which Her Majesty's Government make of future organization and those promises reduced to Acts of Parliament. [*Cheers.*] My noble Friend opposite seems to doubt that; but I am sorry to say that the experience of this Session has convinced me that the promises of Her Majesty's Government, though, no doubt, made in good faith, are not always carried out exactly. I have heard of a Licensing Bill of enormous importance to the country. That Bill has been dropped. I have heard of a Sanitary Bill, which in itself would be a great reform. That also has disappeared. My Lords, it is true that Her Majesty's Government promises; but who will say that Her Majesty's Government will be in office when the time for fulfilling their promise arrives? Who will say that circumstances may not change—or that if they remain in power they may say they have changed—and that they may allege that as a reason for not doing what they have promised? In fact, the whole thing is lost in complete uncertainty, and I do maintain that the Resolution of my noble Friend on this point at least is thoroughly and entirely sustained. But I venture to say further, that everyone of the great cardinal changes which may be necessary as a matter of Army organization may be ac-

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complished quite as well without the abolition of purchase as with it. Take, for instance, one or two great questions. There is the question of enlistment. I do not know why enlistment cannot be improved without the abolition of purchase. There is the question of education for officers, to which my noble and gallant Friend (Lord Strathnairn) not now in the House, adverted some weeks ago. In that you have nothing to do but to follow the Report of the Commission on Military Education, and that certainly does not lead to the abolition of purchase. Take selection—the strongest case of all. You have it in your power at this very moment, and, I believe, as a matter of fact, selection is put in force. The commanding officer may, if he so pleases, decline to recommend for appointment any person whom he considers incompetent, and the Commander-in-Chief is bound, as a matter of duty not to make such appointment, if an unworthy recommendation is made to him. Some years ago, in a single cavalry regiment, where, unfortunately, the habits of discipline had been greatly relaxed, the Commander-in-Chief removed no fewer than six officers—that is to say, he intimated to those officers that unless they retired of themselves he would be compelled to remove them. Allusion has been made so often to-night to the loss of certain indirect advantages which will result from the abolition of purchase that I should be ashamed to take up the time of the House on that particular point—all I will say is this—they seem to resolve themselves into these main considerations. First of all, the facility of getting rid of incompetent officers without public scandal, disgrace, or inconvenience. I look upon that as a matter of no light moment in so large and complicated a machine as the British Army. In the next place, it gives you, what has been explained over and over again, a rapid flow of promotion. It gives you young officers, and that which a Commission appointed years ago, when this question was debated with far less acrimony, pointed out—it gives you physical efficiency in those young officers. And, lastly, there is no doubt that it does act as a bond of efficiency in what is termed the regimental system. That regimental system is cherished in Prussia; it has suffered much in France. You have, at all events, that practical

experience to guide you, and those who remember the remarks of General Trochu, some eight or ten years ago, will bear me out when I say that even at that time he almost foreboded what was about to come to pass, when he pointed out that the French soldier was wanting in those marks of external respect for his officer which not only indicated, but really represented the discipline which should be in a regiment. But, then, my noble Friend the Under Secretary said last evening that we require a "professional class" of officers; and he went on to advocate the matter upon this ground—that at present the officers pass so quickly from the regiment that those rapid changes were fatal to the existence of a professional class. But did my noble Friend forget at the moment he said that the change—the most unadvised change—which is at this moment being carried out in a purely scientific and professional branch of the Army where you have made this unfortunate regulation that no officer, however high his attainments, shall retain his office for more than five years? Therefore, my noble Friend, while he complains of those rapid changes in the Line, is himself in the War Office sanctioning in the highest branch of the Army that which he has condemned in another part of it. It does seem to me that that argument does not lie in the mouth of my noble Friend, at all events. My noble Friend says we must have this professional class, and he even implied that there is an indifference on the part of the younger officers of the British Army to avail themselves of the means of military instruction. I know this opinion has been very frequently expressed abroad, and I am glad to hear that it is not the opinion of my noble Friend. And here I should like to read from the letter of one who is most high and eminent in the British Army, a testimony to the character of English officers of the Line. He says—

"Now, the Army is full of sportsmen who, without the accomplishment of surveying, are, nevertheless, just the officers a General Officer would seek in a campaign to execute a dangerous reconnaissance, and for bringing back accounts of positions and roads, and the force of an enemy in his front, at the risk of their lives. I am most adverse to discouraging this class of English gentlemen, whom I believe to form the very marrow of the Army in time of peace. Some of these officers are those who may appear in time of peace

to be idle, and to think only of amusement, but the sterling British quality is found when they are really tried. This is infinitely valuable when we have to fall back on courage and manhood and quick observation, amid the most dangerous circumstances."

And he adds these words—

"It will be gathered from the foregoing statement that I should deplore any step which would cause regimental promotion to hinge upon purely educational tests."

These were the words of the noble and gallant Lord (Lord Sandhurst) who spoke last evening in opposition to the implied opinion which I have cited just now. I believe, for my part, that the real want in this case is the want of instruction under the system established by Her Majesty's Government—sufficient schools and classes are not provided. I know of my own knowledge that young officers returning from India have been excluded because the schools are full. My noble Friend the Under Secretary dwelt the other evening on the principle of selection; and my noble and gallant Friend opposite (Lord Sandhurst) yesterday laid great stress upon that principle, and said that he had administered it himself in India without complaint.

LORD SANDHURST: I never used such words.

THE EARL OF CARNARVON: I am not, perhaps, quoting the noble and gallant Lord's very words; but I understood the noble and gallant Lord to say that selection had been adopted in India; and we know that he described the system that prevailed under his administration as a perfect Utopia. But the noble and gallant Lord forgot that in India there is no Secretary to the Treasury, no House of Commons, none of that pressure which is brought to bear here in England; and therefore any system of selection that may be partially carried out in India, is, at all events, administered under far more favourable circumstances than can possibly exist in this country. I, for my own part, cannot but express the fear which I entertain on the grounds mentioned by the illustrious Duke (the Duke of Cambridge) this evening, that though it is not absolutely impossible, as I understood, to administer a system of selection, yet that it would be a most delicate and most difficult task, and that, above all, it would depend on having at the head of the Army one who should stand

in a position wholly uninfluenced by the gusts of passion and feeling of the political life around him. I say I should greatly fear the effect of the system of selection in this country. The noble Duke on the other side (the Duke of Somerset) said last night that while at the Admiralty he never experienced any pressure or inconvenience. I am willing to admit that. I am quite satisfied of this—that if any man would resist that pressure, and put it down worthily, it would be the noble Duke opposite. But, while I gladly pay homage to him, there are a great many other persons who have filled high offices whom I should regret to see placed under this pressure. It is said that in the Navy you have the system of selection in full force. My answer is that in the Navy it exists under wholly different conditions. You have 5,000 officers in the Army and 1,000 officers in the Navy. That alone is a great difference. But even in the Navy the system has so far failed that in the command of ships you had to go back to the principle of seniority. ["No!"] There is one branch of the Army to which you have applied the system of selection. I believe the Commissariat is what may be described as a mixed system of seniority tempered by selection. What shall I say of that particular branch? Why, that it is a branch which has singularly broken down. There was another point in the plan, as my noble Friend was pleased to call it, of Her Majesty's Government. There is to be competition. If I fear the system of selection on political grounds, I doubt very much the principle of competition. It is like bad money and good money circulating in the same country, and I believe the experience of economists is that the bad money generally drives out the good. Of one thing I am quite sure, that when once you have taken that step of competitive examination for the Army, be it for good or be it for evil, the die is cast—you cannot go back to the old system. I doubt very much whether you can get by competition the class of men you require. My noble Friend who spoke last evidently doubted that. There has always been a distinction between men of the pen and men of the sword, and it has been men of the sword, as a general rule, that have governed and administered

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and led Armies worthily in the field. Scientific studies are not very congenial to military men, and I think it will not be a very profitable state of things when bookworms find their way into the Army. One point, at any rate, seems to me very clear—that one of the results of competitive examination would be that you would create a separate caste of officers in this country. Now, up to this moment the cry against the British officer has been that he is unprofessional, and his highest boast has been that he has been unpolitical. But by this competitive system you are extremely likely to turn these officers into a separate and professional class. Up to this time every English officer has been first a gentleman and then an officer. Henceforward, he will be first an officer and then he may or may not be a gentleman. I think one thing is clear—that you will have for the first time a class of men holding a great and, I venture to say, even a formidable position in this country who will be cut off from the rest of the community, and be, in the people's eyes, a separate class. Lastly, there is this—and I venture to urge it very strongly on the Government—if you sweep away this system, suppose that the House of Commons next Session turn their attention to some other matter in their opinion of equal importance, and debate it as they have debated this subject and some others—what chance have the Government of redeeming the pledges they have given? It seems to me, knowing what the House of Commons is, knowing what the state and condition of legislation in this country are, if you sweep away this system without having got any substitute for it, you may wait for years before a substitute is provided. And I beg to point out that last night when the noble Duke (the Duke of Richmond), with all his usual candour and force, asked Her Majesty's Government what security they were prepared to give that some substitute should be found, I listened with the greatest anxiety for any words—for any sign—from the Treasury bench; but its occupants were all absolutely mute. And I doubt whether such security can be given. There is one other point. It is the question of cost. That is a very serious one. Her Majesty's Government came into office as an economical Government. I am bound to say that in this as in other mat-

ters they have, no doubt unintentionally, not been able quite to fulfil their promises. It is only a few days ago that we discussed and sanctioned a Treaty in which we were made liable to damages of a most enormous and indefinite character. What you have done in the case of the *Alabama* you are now doing in the case of the Army. [*Laughter.*] I am at a loss to see what the joke is which seems to excite my noble Friends on the other side. I believe I have somewhat understated the case, because it was stated the other evening that the damages in respect of the *Alabama* will probably not exceed £4,000,000, whereas the cost of the abolition of purchase will be at least £8,000,000. But over and above that cost you have the cost of retirement. We have had no explanation that seems to me to deserve the name of explanation on the subject. Besides that, remember you will certainly have to increase eventually the pay of the officers. If they are a needy class—if they are to be a highly educated class—they will require still more pay. And, lastly, you will have all those expenses which run up in the course of time in Army administration from which no country can be wholly free, and which even such an economical country as Prussia is already beginning to complain of. The result of all this will be that the country will become disgusted at the enormous cost which you are heaping upon it, and in its disgust it will sweep away such expenditure, and that utter disorganization of our military system which Her Majesty's Government have professed a wish to prevent will be brought about. What is the duty of this House under the circumstances? I have no doubt that it is our duty to reject this Bill. If I am asked on what grounds I make that recommendation, I say we are bound to reject it—not on the grounds of party, of mere dislike to the Bill, of pique, or from a desire to assert our authority, not in the interests of any particular class of officers—but upon the ground that it is our duty to throw it out. The principle has received the assent of both sides of this House that we are bound to reject all rash, immature, and incomplete legislation. If this House possesses any function at all, it is the revision of legislation sent up to us from the other House, and if measures are

sent up to us of the nature I have stated, it is not only our right but our absolute duty to reject them. What is the character of this Bill we are now discussing? It is obviously incomplete; it is a mere fragment of the original measure; and no one can doubt that had it been introduced in its present form into the other House in the first instance it would not have had the slightest chance of success. But more than this. Every one of the great Army reforms that are demanded could have been carried into effect without there having been any necessity for bringing in this Bill, which, in my opinion, is absolutely mischievous, and may actually prevent that very re-organization in the Army which is so much desired being carried into effect. It is very costly, and I, for one, have seen no evidence of a wish on the part of the country that the measure should become law. The newspaper Press appears to be equally divided in opinion on the subject—indeed, I think that the balance turns rather against than for the Bill. Not a single public meeting has been held in its favour—I beg pardon, a noble Lord informs me that there has been just one such meeting. Only two Petitions have been presented in the House of Commons in its favour, while 258 have been presented against it, and an analysis of the Division Lists of that House show that the majority of the English Members are opposed to it. These facts do not support the assertion that the opinion of the country at large is in favour of the Bill. Therefore I say that as legislators, as statesmen, and more especially as men of business, we have no right to pass this measure. But what is the argument in favour of the Bill? It resolves itself into this—that Her Majesty's Government say that it is necessary. But if Her Majesty's Government desire us to repose confidence in them, they must show a little confidence in us; and they are bound to give us some insight into their plan, if they have one. When they ask us to trust them, then we ask them in return whether they are entitled to our confidence from what has passed this Session? In the Speech from the Throne, and in that of the right hon. Gentleman the Secretary for War in moving the Army Estimates, we were promised a strong Army—and we have it not; and we were promised an Army of Reserve—and we have it not. What

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is the state of things with regard to the Army? I believe that some of the Reserve Corps have nothing in the world but the clothes in which they stand. The Transport Service and the Supply Service require to be re-organized, the great commercial towns remain absolutely undefended, and the whole military manufacturing force in the country is concentrated in the neighbourhood of the Metropolis. Following upon that, we have evidence to show that your short service system has not worked as well as you supposed it would, and you have numerous desertions. You have lowered the standard height, breadth and eyesight. The British Army under your hands has become helpless for purposes of attack, and almost equally defenceless for purposes of defence. On this subject I appeal to the common consent of mankind. Have Her Majesty's Government been fortunate in securing the support of any great speakers in either House of Parliament? Scarcely any have supported this measure except those who sat on the Treasury benches. The illustrious Duke (the Duke of Cambridge) who to-night took part in the debate did not oppose the Bill, it is true, but he took the part of a neutral—I may say, indeed, of an armed neutral. Not a single writer of note has written in favour of the measure, but many have utterly condemned it. In fact, with the exception of a few friends and partizans of the Government, the voice of the country has been unanimous in calling for the rejection of the Bill. Indeed, the illustrious Duke to-night told us that the measure was merely a tentative one—which, however, with his usual loyalty, he declared himself ready to carry out to the best of his ability if it should meet with the approval of your Lordships' House. But the most fatal condemnation of the measure came from the noble and gallant Lord opposite (Lord Sandhurst), who informed us that under the fatal reforms which the Government have inaugurated the Army is becoming an Army of mere striplings; that it has been deprived of its best men, and that it is too full of very doubtful characters, and that they are, by the course they are pursuing, providing for us a future of defeat, disaster, and disgrace. And yet this is what the noble Lord the Under Secretary for War calls a satisfactory state

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of affairs! And if this be the case at home, what is the position of things abroad? Almost every country in Europe is either heaving with the secret fires of social discontent, or is organizing its whole population into a great military force. We alone are standing by in a state of self-complacency and self-gratulation, buoyed up with the recollections of past glories, and incapable of realizing the doubtful position in which we stand, which renders us helpless either for attack or defence. If, indeed, we wish to salve our consciences we introduce some wretched Bill like this, which is impotent for good, although powerful for evil and mischief. I heard with the deepest regret the threats which were uttered by the noble and gallant Lord (Lord Sandhurst) in this House last night as to what might be done in the event of our rejecting this Bill with regard to the interests of the officers. I can only hope that the noble and gallant Lord spoke without the sanction of the Government, and I am certain that Her Majesty's Government would act most unwisely if they endeavoured to put that threat into execution. It is not pleasant for the House of Lords to have to reject this Bill, nor for us to see Her Majesty's Government obliged to swallow their professions and to eat their own words which they uttered at the commencement of the Session; neither is it pleasant to know that the whole of this Session has been wasted without a single important measure having been passed. All these are great evils, and they are not less evils because they show Parliamentary institutions and representative Government in a very unfavourable light. But, on the other hand, it does seem to me that to take this leap in the dark, to adopt measures which may jeopardize the whole efficiency of the Army, and, above all, to saddle the country with an indefinite amount of expense, to impose at least an additional penny on the already heavily burdened income tax payer, is a still greater evil, and one to the creation of which this House in its legislative character ought not to be a party. And, my Lords, upon these grounds, not without reluctance, but still without hesitation, I shall record my vote against the second reading of this Bill.

LORD LAWRENCE said, he would not, especially at that late hour, occupy much of their Lordships' time; but

feeling deliberately and conscientiously that this important measure was one which had been long wanted and long delayed, he desired to be allowed to say a few words in its support. The noble Earl who had just sat down (the Earl of Carnarvon) had spoken of the proposal to abolish purchase as hasty and rash; but the question of purchase had been under the consideration of the country since the year 1840, and the system had been condemned by many distinguished officers, and by high authorities, as injurious to the interests of the Army. If, then, to get rid of a system which had been so generally condemned was hasty and rash, then, perhaps, this Bill deserved to be so designated. Assuming that the expense of the extinction of purchase was spread over a space of 25 years—and there was little doubt that it would be distributed over a longer period—it would not cost the nation on an average more £320,000 a-year; and he did think that it would be an unwise parsimony to hesitate fairly to compensate existing officers for the amount they had spent in purchasing their commissions in order to deliver the country from the incubus of that system. It could not be denied that with all their great merits there were some important shortcomings in the officers of our Army, nor that those shortcomings were not largely, if not altogether, traceable to the system of purchase. No man could be behind the scenes, or have seen what had occurred in Europe, and more especially in India, without observing that whenever an emergency arose there was a difficulty in finding efficient and skilled officers to undertake special duties. It seemed to him only human nature that if men had invested their money to secure their promotion in the Army, the majority of those who had done so would rest satisfied with the certainty of that promotion and would not bestow on their profession that time, attention, and labour which were essential to attain excellence in it. Therefore it was that a want of intellectual vigour, and a deep and thorough acquaintance with higher pursuits was often observable in British officers. Another evil of the system was, that no thoughtful man would desire to place his son in the Army unless he could afford to pay for the chances of promotion which in the course of time would offer

themselves to him; and, that being so, it was unquestionable that much of that peculiar ability, that aspiration for military employment and distinction inherent in so many of the middle class, was not fostered, but rather discouraged by the system of purchase. Again, if a man placed his son in the Army without having the means of purchasing his different commissions, he entailed on him an immense amount of vexation and discomfort. He had himself heard the late Lord Clyde describe the difficulty he had in purchasing his majority. It took him years to save up the money with which to pay for his commission. Nor was that an isolated instance; there were many cases of the same kind. The feeling that a man had been passed over in his profession simply because another man could pay money which he could not pay, struck at the root of all military feeling and desire for distinction. Again, the fact that he had purchased his commission made an officer and his friends feel that a double injury was done him if by chance for any reason, however good his superior military authority should refuse to allow him to purchase another commission. That was to say, if a man who had purchased his lieutenancy, his company, and his majority, was denied the power of purchasing his lieutenant colonelcy—that was, the command of a regiment—he felt doubly aggrieved; he felt not only that he was undervalued as an officer and a soldier, but that he had expended his money and had very little prospect of recovering it. That circumstance, and a regard for vested interests, made his superiors very often more tender than they otherwise would be in refusing to allow him to purchase the command of his regiment. And thus it was that officers unsuited for the commands they desired to hold were sometimes placed in positions in which there was great danger of their bringing discredit on themselves and on those under them, and also of their inflicting injury on the public interests. He was perfectly certain that the success of Her Majesty's Armies depended to a most material extent upon a very careful selection of officers, especially in the higher ranks. He admitted there had been very great improvement in this respect of late, especially in India; and it could not be urged against the system that promotion

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would go by favour. His experience in India showed him that the Acts of the Commander-in-Chief would be subject to very severe criticism, not only on the part of the officers among themselves, but by the Press; and any neglect of duty would assuredly meet with public censure. The noble Earl who had last spoken (the Earl of Carnarvon) seemed to disparage the educated officer; but his experience led him to profer those who were as ready with the pen as the sword, and if he had nothing else to guide him in his choice between two candidates for promotion, he would choose the more highly educated. If culture were more appreciated in the Army, its officers would be in the highest sense gentlemen, and the Army itself would be a body distinguished for knowledge and intellectual attainments, as well as gallantry and devotion to their Sovereign.

Then, on the Motion of The Lord ABINGER, the further debate on the said Motion adjourned to *Monday* next.

House adjourned as a quarter before
One o'clock A.M., to Monday
next a quarter before
Five o'clock.

HOUSE OF COMMONS,

Friday, 14th July, 1871.

MINUTES.]—SELECT COMMITTEE—Habitual Drunkards, appointed.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—Feudal and Burgage Tenure (Scotland)* [251].

First Reading—Judicial Committee of Privy Council* [250].

Second Reading—East India (Bishops' Leave of Absence)* [237]; Owens College* [246]; Customs and Inland Revenue* [238]; Elementary Education Act (1870) Amendment (No. 2)* [228], debate adjourned.

Committee—Elections (Parliamentary and Municipal) (re-comm.) [103]—M.P.; Treasurers of Rates* [120], debate adjourned.

Third Reading—Tramways Provisional Orders Confirmation* [197]; Consolidated Fund (£10,000,000)*; Exchequer Bonds (£700,000)*, and passed.

The House met at Two of the clock.

Lord Lawrence

NAVY—SUPERINTENDENTS OF DOCKYARDS.—QUESTION.

Mr. SEELY asked the First Lord of the Admiralty, Whether the Admiralty Order in Council is still in force; and if it be, whether under such Order it does not appear that only Naval Officers should be appointed Superintendents of the Royal Dockyards?

Mr. GOSCHEN replied that the Admiralty Order of 1832 to which the Question of the hon. Member referred had been partly superseded by later Orders, although some of its provisions were still acted upon. That Order dealt with the subject of superintendence not only in the dockyards but in victualling yards also. It appeared to contemplate that the superintendents should be naval officers, but the Order was not mandatory, and was not regarded by the Admiralty in that light, as was shown by the fact that civilians had been appointed as superintendents in the victualling yards.

Mr. SEELY gave notice that, on Tuesday, he would ask the right hon. Gentleman whether there has been any cases during the last 30 or 40 years of civilians having been appointed Superintendents of the dockyards.

Mr. GOSCHEN said, he could answer the hon. Gentleman at once, that there had been no cases of civilians having been appointed superintendents of the dockyards during the last 30 or 40 years; but there had been cases where civilians had been appointed superintendents of the victualling yards.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (re-committed) BILL—[BILL 103.]

(Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.)

COMMITTEE. [*Progress 13th July.*]

Bill considered in Committee.

(In the Committee).

Mode of taking the Poll.

Clause 3 (Regulations as to polling).

Mr. KENNAWAY, for Mr. STEPHEN CAVE, rose to move, in page 3, line 18, to add—

“(a.) Each ballot paper shall have a number or letter or other distinguishing mark printed on the back thereof, and have attached thereto a counterfoil, with the same number or letter or other distinguishing mark printed on its face;

"(b.) The presiding officer, before delivering a ballot paper to any elector, shall enter on the counterfoil of the ballot paper the number of the voter on the Register ;

"(c.) At the close of the poll the presiding officer shall, in the presence of the agents of the candidates, or such of them as may be present, seal up the counterfoils of the ballot papers, and send them by the earliest practicable post to the keeper of the ballot papers ;

"(d.) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number, letter, or other distinguishing mark, and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by such ballot paper was the person who at the time of such election had the same number as the number written affixed to his name in the Register of Electors."

The hon. Gentleman said, he hoped the effect of the proposed Amendment would be, if adopted, to make the Ballot more workable, and not liable to the chief dangers which were apprehended from its adoption, such as personation and fraud. Whatever advantages the supporters of secret voting hoped to obtain from it, there was no doubt great danger that the Bill of the Government, as it now stood, would afford facilities for fraudulent voting on a large and extensive scale ; and when he looked at the complicated details and arrangements provided in the clauses of this Bill, he was reminded of those well-known lines—

" Oh, what a tangled web we weave
When first we venture to deceive ! "

But be that as it might, if they were to have the Ballot, he should be glad to co-operate with the right hon. Gentleman the Vice President of the Council in preventing personation and fraud, for he was anxious to make the system of secret voting, if it was to be established, work as satisfactorily as possible, that the secrets of the Ballot should not be wormed out of poll-clerks, or able to be obtained by private individuals, and that no private person should have it in his power to tamper with the voting papers. In the words of Sydney Smith, there should be a plain opportunity afforded to everybody to tell an undiscoverable lie. Now, the scheme which he was venturing to propose was that the ballot paper should be attached primarily to a counterfoil ; that on the counterfoil and the ballot paper there should be the same number ; and that when a man presented himself to record his vote, the returning officer should tick off his name on the register,

and should mark the number of the register on the counterfoil, so that it should be possible in the event of an inquiry by a Court of Law, and by a Court of Law only, that the vote could be identified and traced. He found that a good system of secret voting had been described as one which furnished an easy means of identifying a vote by a Court or Judge, while it was made practically impossible that it should be traced by any other person. That test of secret voting had been propounded by the noble Lord the Chief Secretary for Ireland in the Bill of last year, and the right hon. Gentleman the Vice President of the Council had lately said that the essence of the Ballot was that it should be completely secret, adding that he meant by that expression that " a voter should not be able to prove to anyone how he voted," for if it were otherwise, the object of the present measure would be defeated. That being so, he maintained that his Amendment was not inconsistent with that definition, that it gave a really " secret " ballot, and, moreover, it was considered only last year by the Government to be essential. He would ask, what was the reason that they had changed their minds on this matter ? There was, besides, danger that elections should be decided by the votes of persons not duly qualified to vote. Now, suppose the returning officer admitted 20 votes which he ought not to have admitted, were the candidates to be put to the expense and the constituencies to the turmoil of another contest because those votes could not be traced ? That difficulty was felt in America, where the States of Illinois, Indiana, and Ohio, had found it necessary to adopt a plan whereby votes might be traced ; it was much complained of in New South Wales and Queensland ; and it was thought that the plan adopted in Victoria, which was in substance that contained in the Amendment, should be introduced in other colonies, especially as, according to Mr. M'Culloch, it had not tended to diminish the security to the voter. Again, the Bill afforded no means of proof that the voting paper put into the box was the same as that given by the returning officer to the voter. That shuffling of voting papers was one of the great means of bribery under the Ballot. The use of a particular stamp by the returning officer would not prevent forgery, for stamps

[*Committee—Clause 3.*

might be got at and voting papers copied. That that was quite possible was evident from the fact that even the papers for a competitive examination in the Civil Service had on one occasion been abstracted. When that was done there was an unlimited power of bribery and personation; no check could be applied, because votes could not be traced; and, even if there was no fraud, the returning officer and his servants would be exposed to much suspicion. The *cruz* of the Ballot had always been to find means for combining a scrutiny with a secret Ballot, and as the difficulty, which was a real and practical, not an imaginary one, was altogether ignored by the Bill, he asked the Committee, by affirming the Amendment, to say that, through the Courts of Law and the Judges, who were at all events above suspicion, votes should be traceable in the case of an Election Petition. He begged to move the addition of sub-sections providing that each ballot paper should have a number or letter, or other distinguishing mark printed on the back, with a counterfoil similarly marked, in order to trace the vote of each voter if necessary.

Amendment proposed,

In page 3, line 18, after the word "Election," to add the words—

"(a.) Each ballot paper shall have a number or letter or other distinguishing mark printed on the back thereof, and have attached thereto a counterfoil, with the same number or letter or other distinguishing mark printed on its face."—*(Mr. Kennaway.)*

MR. HERMON said, he trusted that the Amendment would be adopted, for, if so, his objections to the Bill would be to a great extent met. The measure would have this advantage—it would tend to produce greater peace and quiet at elections, and would relieve many persons from the notion that they were controlled or coerced. He objected to it mainly because it tended to fraud. As an employer of labour, having in his employment more persons than there were in many of the constituencies mentioned in these debates, he had hesitated as to whether he should not abstain from voting in this matter altogether, lest it should be supposed that he wished to ascertain how men voted. Some remarks had been made, especially by the hon. and learned Member for Taunton (Mr. James), as to the manner in which employers dealt with their hands. For his own part, he had

Mr. Kennaway

not been told how more than half-a-dozen of the people in his employ voted; but he was informed that they acted with a degree of uprightness which he much commended. He believed most of them voted for himself; but those who had not done so suffered no inconvenience. When he canvassed his constituency he found that it would be useless to attempt to change the intentions of those who had already decided how they should vote; and he could not believe men were so open to intimidation and corrupt influences as was alleged by many hon. Members. He hoped the right hon. Gentleman would make some concession to hon. Members on that side of the House, who only desired to promote purity of election; and that Amendment would not only meet their views, but would advance the objects of the Government, because it was similar to a proposal made by the noble Marquess (the Marquess of Hartington) last year.

THE MARQUESS OF HARTINGTON said, he had no hesitation in saying still that a system which admitted of a possible scrutiny was theoretically superior to any other system of voting. But it had never been the practice in that House to act entirely upon theoretical principles, nor did he think it would be wise so to act now. That was a question more of practical working than of theory, and in the opinion of a great many hon. Members—although in his opinion it was a very doubtful point—the plan now proposed by the Government was a better one than that proposed by them last year. The one advantage in the Bill of last year was that a scrutiny might follow an election, and the election be determined in favour of the candidate who had received a majority of good votes. A scrutiny, though difficult, would not be absolutely impossible even under the present system. But how seldom was the ordeal of a scrutiny necessary, and how seldom were the results of an election altered by a scrutiny! Again, it must be remembered that, with regard to the detection of personation and fraud of all kinds, nothing turned upon the proof of how a person voted. If they wanted to detect bribery or personation, they must prove, to begin with, that the voter was bribed or personated, and the question how he voted formed no part of the case. There was no reason why, under that Bill, just as at present, proof should not be given

that a certain voter had received money, and, if he had received it, the return of the candidate on whose behalf he had been bribed would be vitiated. The same result would follow if personation could be traced to a candidate or his agent. Personation was an extremely dangerous game to play, and instead of the present cumbrous mode of proving personation in each case, and then striking off the vote, there were other provisions, which his right hon. Friend (Mr. Forster) would explain, to check and punish the offence, and which could easily be increased, if not found sufficiently stringent. That might be effected by sufficiently increasing the number of polling-places and taking other precautions to insure that the voters coming to particular polling-places should in the great majority of cases be personally known to some of the persons present. If the people were told that, under certain circumstances, the votes they gave might be subsequently proved, there would arise a doubt in their minds whether the votes might not become known under other circumstances than those contemplated by the law, and he ventured to doubt whether, if the Amendment now proposed were adopted, the reception given to the Bill by hon. Members opposite would in any degree be altered. When they were discussing the Ballot Bill of last year, the plan of a scrutiny which had been provided for by that Bill had met with considerable ridicule. Many hon. Members had no possible confidence in the plan. When the Bill was intrusted to him for preparation he did think that theoretically the principle of scrutiny was better, and he did not say that he had altogether changed his opinion. He did not think that anything would be found in his speech showing that he attached great importance to the two systems, or that he had attempted to convey that the question involved anything like a question of principle. He thought it was a question of detail. But his right hon. Friend, who had considered the subject more than he had done, had come to the conclusion that secret ballot would work best, and he was perfectly willing to support his right hon. Friend's proposal in preference to his own.

MR. GATHORNE HARDY said, he had thought that the object of the Bill was to have elections truly representing the opinions of the constituencies; but

the noble Lord (the Marquess of Hartington) seemed to think that the paramount object of the Bill was to conceal the votes of the electors, and whatever injustice might be done by the reception of bad votes no redress was to be obtainable. However much he might admire the candour of the noble Lord, he was not at all satisfied with his arguments. It had been suggested by the noble Lord that provisions would be proposed by the right hon. Gentleman the Vice President of the Council which would render a scrutiny possible under the present Bill, and if the right hon. Gentleman explained by what means he intended to effect that object he might shorten the present debate. The question before the House, involving the consideration of how a proper representation was to be obtained, was of the deepest moment, and must be argued out. In those colonies where an absolutely secret ballot existed, the Governors represented that what was wanted was that very check against abuse now proposed; and the Select Committee of that House had also come to the conclusion that a provision of the sort was necessary to secure correct representation. There were two questions involved in a scrutiny—namely, the question of the criminality of the voter and the result of the election, and though the noble Lord said that the occurrence of a scrutiny was a rare thing, the correctness of which opinion he (Mr. G. Hardy) took exception to, still the constituency were entitled to have the power of scrutiny; and he had known the result of a great many elections changed by a scrutiny. If a disqualified candidate was rejected under a scrutiny, and if the next highest were to succeed him, justice was done; but if, on the other hand, it was said that a disqualified candidate should not sit, but a new election take place, the candidate who would be entitled under a scrutiny would be put to expense and the constituency suffer the evils of a new election. The point was novel in the debate, and he called upon the right hon. Gentleman to consider it. Then, again, if a candidate told voters to vote for him on the ground that the other candidate was disqualified, and that the votes would only be thrown away if they were given to that other candidate, how could anyone tell who had voted for the disqualified candidate un-

less there was a scrutiny? The Ballot was intended in America to be a perfect cloak on the way in which a man voted, yet in Ohio they produced witnesses in some cases where the validity of votes was challenged, to prove by circumstantial evidence how the electors objected to had voted. Witnesses were brought forward to prove that those electors were heard to say that they would vote for so-and-so, and then the matter was left to the decision of the jury. The proposed Amendment in no way interfered with secret voting, and every honest voter might be assured that his vote was secret, because it would only be in the case of an Election Petition that a scrutiny would be made. With voting papers the scrutiny would be easy where required, whilst with a proper system of counter-foils it would be perfectly secure and secret. A constituency had the right to be represented by the Member they had chosen, and in a close contest, where the majority was only four or five perhaps, it would be impossible to ascertain without a scrutiny whether, in a case of bribery, the agent had bribed a certain voter, or if there was inability to prove the agency, it might still be the case that a number of bribed and bad votes might have been given to the candidate at the head of the poll. It had always been said that under the Ballot the bribery carried on would not be the bribery of persons but of classes, and supposing that the members of a club were told that, if a certain candidate were returned, the club should have a sum of money presented to it, would it not be of importance to ascertain whether the members of that club voted in favour of the candidate in whose success they had been bribed to feel an interest? The main object of legislation on that question, he contended, ought to be to provide that the constituencies were properly represented; and unless they adopted the principle of a scrutiny, they would be defrauding the constituencies of the country and sheltering criminals.

MR. W. E. FORSTER, while endeavouring to answer the questions of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), must remark that the charge of inconsistency brought against his noble Friend the Chief Secretary for Ireland (the Marquess of Hartington) was rather severe, when they remembered instances

of inconsistency of a much greater magnitude. He (Mr. Forster) thought that that question of the desirability of identification of a vote in the case of a scrutiny being required, might be fairly considered one of those points on which a person might change his course of action without exposing himself to the charge of a want of consistency. It was a matter of importance in point of detail; but its importance in point of principle might very easily be exaggerated. The hon. Gentleman who moved the Amendment (Mr. Kennaway) had mentioned the instance of Victoria, as a case in which that identification had been found useful; but from all he (Mr. Forster) could gather on the point, it had been found there to seriously interfere with the secrecy of the vote. He felt it was quite right they should be asked upon what ground it was they had made a change from the scheme of last year, and he would presently answer it; but as to the case of the disqualification of a candidate, he failed to see the pertinence of the point raised by his right hon. Friend, for if the candidate were disqualified, and notice was given that the votes recorded for him would be thrown away, what more was wanted?

MR. GATHORNE HARDY said, he must remind the right hon. Gentleman that, according to the practice before Election Committees, they must prove one by one that the voters had received notice of the disqualification, and that unless they had the names before them it would be impossible to put the scrutiny in force.

MR. W. E. FORSTER said, that point might require consideration, but it seemed to him that the difficulty might be very easily met; for nothing would be easier than for the returning officer to say that the candidate was unable to be returned; that the votes given for him would be void. The reason why they had made a change in their scheme was that the plan now adopted by the Government seemed to promise a more complete representation than that of last year, by assuring the voter of absolute secrecy, and thereby allowing him to record his vote free from any undue influence. He did not say that the point was of importance one way or the other; but it appeared more reasonable to the Government on the whole that there was some, though not, perhaps, great, dan-

Mr. Gathorne Hardy

ger that the secrecy might be violated under the scheme of last year, or, at all events, that efforts might be made to violate it, and that the confidence of the voter in the absolute secrecy of his vote might be shaken. The only advantage of the scheme of last year was that under it there could be a scrutiny, but that advantage was very much exaggerated. There were ten Petitions for an inquiry without scrutiny for one with scrutiny, and even when it was asked for, the expense was so enormous that the scrutiny generally ended before all the doubtful votes had been examined into. In such cases it was really a question of purse against purse. He could almost defy the right hon. Gentleman opposite to find out a case that would show that a proper representation had been obtained by means of a scrutiny.

MR. GATHORNE HARDY said, the hon. and learned Member for Taunton (Mr. James) was now sitting by virtue of a scrutiny.

MR. W. E. FORSTER doubted whether all the bad votes had been struck out in that or any other case. There were generally circumstances that made one or other of the candidates not anxious to continue a scrutiny. Then it was said that by their present scheme they would diminish the checks against personation; but he believed that it was not probable that personation would increase. His case was that they would by the Bill very considerably check bribery, and there was hardly ever a case where personation was unaccompanied by bribery. He believed that the arrangements for voting would make personation more difficult than it was now. A man would have to take out his voting paper as well as to fill it up and hand it in, and that would afford better opportunities for detecting personation than the simple recording of a vote. A larger number of polling-places being provided, the voter would be better known there than he now was. A clause would also be brought up under which votes would be taken off when personation or bribery was proved. Attempts at personation were now generally made at the end of the day, when the state of the poll showed that the risk was worth running, and when it had been ascertained that somebody had not voted. But the state of the poll would not be known under the new

system, and no information was to be given as to whether a man had or had not voted. Such arrangements would, he thought, check personation more completely than was possible at present.

MR. LIDDELL said, he thought that no satisfactory explanation had been given of the extraordinary change of opinion which had occurred upon the Treasury bench. In Victoria the vote could be traced, and the fact that the example of Victoria was actually being followed in the neighbouring colonies was a very strong argument in favour of the Amendment. He believed that an increased number of polling-places would tend to check personation; but it should be remembered that these additional polling-places would cause a considerable increase of expenditure on account of scrutineers. To ascertain if a vote were illegal, they must be able to follow that vote. They had evidence that in Victoria personation was increasing under the system of secrecy, and that should be a warning to them. He hoped that the Government would again change their minds, and adopt the proposal that was now made.

LORD HENLEY said, the point raised by the right hon. Gentleman (Mr. G. Hardy) in the case of a disqualified candidate deserved consideration. He was a Member of the Committee which inquired into the Cambridge election when Mr. Forsyth was objected to, and was declared disqualified as holding an office under the Crown. Three hundred voters had voted for Mr. Forsyth in defiance of the notice of disqualification, and the question might have arisen whether these votes were good or bad. He therefore suggested that in cases where a candidate was thus objected to some machinery should be adopted for following the votes, though he should be sorry to see such a system made general at every election, as he thought it would have the effect of clogging the action of the Ballot, the adoption of which measure he had not the least doubt the country generally was anxiously waiting for.

MR. G. B. GREGORY said, he had given Notice of a somewhat less complicated Amendment than that providing that the ballot paper delivered to the voter should correspond with a number upon the register. In that way they would get rid of the necessity for a

counterfoil. The Bill held out a strong inducement to personation, because every vote given under the new system would be a good vote, since it could never be struck out under a scrutiny. Thus, the Bill held out a strong inducement to crime, and then inflicted heavy penalties upon the criminal.

MR. W. E. FORSTER said, the law seemed to be that votes would be thrown away at an election if it could be proved that the voters had received notice of the candidate's disqualification. An objection might be raised that if the notice of a candidate's disqualification were given after the commencement of the polling, it would be apparently very difficult, as the Bill stood, to ascertain who had voted before, and who after the issuing of the notice. Nothing, however, would be easier than to prevent any such inconvenience by bringing up a short clause, enacting that after the notice had been given all subsequent votes should be deposited in a separate ballot-box.

MR. G. B. GREGORY suggested the necessity of serving the candidate himself with personal notice.

MR. MELLY said, that although the returning officers and agents of the candidates might act in the most straightforward manner, it would be difficult to persuade voters that their votes would not be ascertained if provision were made for a scrutiny; therefore the Radical Members had always declared they would rather have no ballot at all than one which was not really and truly secret. Personation could not be prevented by ascertaining which way a vote was given, as the chief risk which a personator incurred was that of being handed over to the custody of a policeman at the moment he tendered the vote. Personation, he might add, was extremely rare and extremely dangerous.

MR. G. BENTINCK said, he fully shared in the confidence felt by the hon. Member who had just spoken (Mr. Melly) in the honour and impartiality of the returning officers. Now, under the old system of voting, there was little or no temptation offered to those officers to act unfairly; but human nature being naturally weak, they might not show themselves as fully entitled to that confidence, if they felt that under that secret system detection of offences would be impossible. The right hon. Gentleman

opposite had adverted to the sudden and remarkable change of opinion on the part of his Friends and Colleagues in reference to the subject of secret voting. The course of the right hon. Gentleman himself had been straightforward and consistent throughout, and he had asserted that the conversion of his Colleagues was "reasonable," but he would have described the change more correctly if he had called it "seasonable." It had never yet been shown how, under a system of perfect secrecy, a stop could be put to bribery, and until a satisfactory explanation was given on that point the Committee ought not to pass a measure which, as it now stood, would practically prevent the detection of bribery. His noble Friend the Chief Secretary for Ireland had stated that the Bill he proposed last year was the best in theory, but that the present would be a better one in practice. He confessed his inability to understand how this could be. Again, as to his noble Friend's assertion that personation would not be resorted to because it was a very dangerous practice, he thought it was sufficiently obvious that danger did not always deter malefactors.

MR. WHITBREAD said, he thought the Act passed a few years ago was more effectual than the Ballot could be to check bribery; but, at the same time, he did not believe that the Ballot would facilitate bribery. He did not advocate the secret ballot because it would prevent bribery, but because he felt convinced it would protect voters against intimidation and undue influence. Hon. Gentlemen opposite talked a great deal about the desirability of freeing voters from undue influence, while leaving them subject to all good influences; but he should very much like to know what good influence could be weakened by the Ballot. By adopting an absolutely secret ballot they would, no doubt, be placed to a certain extent at a disadvantage in regard to a scrutiny; but that would be outweighed by the advantage of gaining the complete confidence of the voters. With regard to the suppositious case put by the right hon. Member for the University of Oxford (Mr. G. Hardy) of a manager of a club being bribed, he would remark that the security of the ballot must be sacrificed if all the papers were to be examined in order to ascertain how particular persons voted.

Mr. G. B. Gregory

SIR STAFFORD NORTHCOTE said, that according to the hon. Gentleman's the Member for Bedford (Mr. Whitbread's) argument, the object of introducing the Ballot was not only to protect men in doing what was right, but also to protect them in doing what was wrong. It was a strange thing that the Ballot should be defended on the ground that it would enable men guilty of one of the gravest political offences—that of selling their votes for money—to defy detection. It appeared to him that that was pushing the doctrine of secret voting to a most injurious extent. In the case put by his right hon. Friend the Member for the University of Oxford (Mr. G. Hardy) of a manager of a club being charged with receiving a bribe for the purpose of obtaining 100 votes, it would surely be of the highest importance to ascertain how the members of that club voted. What they said on that side of the House was, that if they were determined to introduce this system they ought also to introduce facilities for preventing or detecting certain evils, such as bribery and personation, for no one could deny that such evils would exist, nor that the proposed safeguard would prove efficacious in preventing them. The only answer was, that it would shake the confidence of the voter, either because there might have been or were strong reasons to believe misfeasance in the examination of the votes, or they would suspect if the votes were marked that they would become known. To say they had no confidence in the returning officers, and that they would violate their duties by publishing names, was a serious consideration, and if there was no confidence in the returning officer, what confidence could be had in the Ballot? If the returning officers were suspected at all, they would as certainly be suspected of tampering with the ballot-box as of wrong-doing in any other direction. As a matter of fact, however, he believed that the confidence of the voters would be secured if, after the experience of two or three elections, it was evident that secrecy had been observed. It was not easy to give a categorical answer to the question as to what good influences would be interfered with by the adoption of secret voting. There were, however, many good and sound influences at work under open voting which they would fail to feel

when secret voting was adopted. A man's colleagues, his teachers, and others, induced him under the present system to give a vote on public grounds, and not from pique or spite. A man ought to be under the influence of legitimate public opinion when he was called upon to discharge a public duty; but he (Sir Stafford Northcote) would not press it so far as to make public opinion take the part of oppression. It was difficult to draw the line in certain cases as to where beneficial public opinion ended and where public oppression began; but there was a point at which one began and the other ended. They would lose by secret voting that kind of influence which a candidate, and those interested in an election, had to know how such and such a man voted, because how a man voted was an important fact in the eyes of the constituency. In a hundred ways they would lower the tone of the constituency and the moral effect of an election, if they rendered it impossible to say how a voter voted. On those grounds he was of opinion that some means of distinguishing the votes should be given.

MR. W. E. FORSTER said, they had already had a full practical discussion on the question affecting the Amendment. It was proposed only to have the vote kept secret till a scrutiny was called for in a Court of Law. But the vote itself, being known, would not enable them to trace the act of bribery, which was the guilty act. Inasmuch as the scrutiny in a Court of Law was not to take place until the vote was declared invalid, the bribery must have been first proved.

MR. CAVENDISH BENTINCK said, he objected to the Ballot and to the clause, not on political, but on moral grounds. It mistrusted individuals, and encouraged evil and dishonest men. The consequence would be, that under the Ballot promises would be given to anybody, and no one would know whether the promise would be kept or not; and if the election turned out differently to what was expected, the innocent would be punished for acts they had never committed. He must take advantage of the opportunity to congratulate hon. Gentlemen opposite on having at length broken the iron bonds by which their eloquence in relation to this Bill had been hitherto fettered. That no advantage accrued to right hon.

Gentlemen on the Treasury Bench from the adoption of the practice to which he referred was evident from the fact that the torrents of eloquence pent up yesterday night burst forth early that morning, and swept away the right hon. Gentleman the Chancellor of the Exchequer and his New Mint Bill. No answer had been given by any Member of the Government to the proposition contained in the Amendment. He had, on a former occasion, to complain of the absence of the Prime Minister when the House was discussing important questions, a practice different to the course pursued by the late Lord Palmerston and the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). He asked, where were the Law Officers of the Crown? Why were they not on the Treasury bench, giving their assistance to the right hon. Gentleman who had charge of the Bill? There were two able English Law Officers, one Irish Law Officer only, because such was the Prime Minister's popularity in Ireland that he was unable to obtain a seat in that House for his Attorney General; but there was a Scotch Law Officer with nothing to do. That Bill referred to the Three Kingdoms, but there were no legal authorities present to assist the right hon. Gentleman in charge of the Bill. The right hon. Gentleman reminded him of the stag moralised by Jaques in *As You Like It*. He was "left and abandoned of his learned friends," and when he found himself in a fog or chaos, as he did continually on the 2nd clause, he had to stalk slowly down the House, to consult a hidden and mysterious oracle who sat in a dark corner under the gallery, and who he (Mr. C. Bentinck) was bound to say did not give any satisfactory response likely to save the time of the House.

MR. J. LOWTHER said, in regard to that proposal, he would be glad to learn what safeguard it was proposed to establish against the agent on either side petitioning against an elected candidate, with a view to discovering how the electors had voted. He failed, moreover, to place much confidence in the returning officers, who, especially in the smaller boroughs, were frequently the most violent partizans. He would venture to suggest that when objections were clearly recorded against a candidate he should be considered as disqualified, the election

declared to be void, and all votes given in his favour as thrown away.

MR. SALT observed that the hon. Member for Stoke-upon-Trent (Mr. Melly) seemed to be labouring under a want of self-appreciation, when he complained that a number of men in Preston had voted on one occasion for himself, and on another for the present representative of that town. There was, however, no real inconsistency in the case, inasmuch as the electors might have merely exercised on each occasion an independent judgment. For his own part, he entertained at one time a tendency towards the Ballot; but it seemed that the evidence from other countries, as well as the arguments urged in favour of the Bill, was scarcely sufficiently strong to justify the House in passing such a measure. He had a friend who resided in France a good deal under the late Imperial rule, and his opinion, after the experience of one election, led him to the conclusion that it would be preferable to have open voting as in England. He might also mention that he had the other day been talking casually to two American gentlemen, one of whom accidentally spoke of a man as commanding 100,000 votes. His remark to that gentleman was—"If that is the case you are somewhat too liberal in your distribution of the franchise." The response of the other American gentleman was—"We do not complain of the distribution of the franchise, but of the circumstance that the voters should vote two or three times over." The truth was, that the question involved in the present Bill was one which ought not evidently to be disposed of hastily, and which required the most careful consideration. It would be far better, therefore, in his opinion, that a decision upon it should be delayed for another year. As to the Amendment, he regarded it as a protection which was almost as necessary for the good voter as against the bad. It was very desirable, in order to remove any imputation of fraud which might rest upon a constituency, that there should be some means of showing that persons to whom suspicion attached were free from blame.

MR. PLUNKET said, the hon. Member for York (Mr. J. Lowther) seemed to think the Amendment would be an encouragement for the presentation of Election Petitions. No such fear as that need be entertained by his hon. Friend;

Mr. Cavendish Bentinck

for the prosecution of an Election Petition was a very serious business, involving much expense, trouble, time, and heartburning, and if an Amendment of this character were not adopted, no doubt the initiatory process of presenting Petitions would be seriously interfered with. In reply to a challenge which had been thrown out from the other side of the House by the hon. Member for Bedford (Mr. Whitbread), he contended that the exercise of beneficial influences at elections would be greatly interfered with by a system of secret voting, observing that the responsibility to that calm, mature, and deliberate public opinion of which Sir Robert Peel spoke, and which came to be recorded after the excitement of an election was over, would be completely done away with under such a system. It would be one great advantage of the operation of the Amendment that a voter would know that he could not disserve himself from his vote; for a man would be tempted to yield more readily to the baser instincts which were at work at elections, if he knew that he would be relieved from all responsibility with respect to the manner in which he happened to have exercised the franchise. He maintained also that there should be a sense of responsibility thrown on the returning officer himself, because in accordance with the proposal of the Government great reliance must be placed on the respectability and trustworthiness of such persons. The importance of that point was all the greater because of the multiplication of the number of polling-places, to attend at which—and he threw the matter out for the consideration of the right hon. Gentleman the Chancellor of the Exchequer—men of the required stamp could not be obtained without adequate payment.

MR. BERESFORD HOPE, in supporting the Amendment, said, he regarded the question it raised from a moral point of view, and contended that, as the balance of political morality was being gradually restored, it was important to consider whether this proposition would tend to purify election proceedings more than heretofore. The conduct of the Government with regard to that question reminded him of the epitaph on the tombstone of an Italian patriot—"I was well; I tried to be better; and here I am." What was the evil to be

guarded against in the secret voting? A certain number of men would vote corruptly in different constituencies. This fact would become notorious in the little sets in which they lived, and as there could be no Petition they would continue these practices with impunity, and would be imitated by others. There would be a gradual weakening of moral obligations, and gradually, not after one election but after two or three, the people would reach the low level of the electors of the United States. And how did the clause of the hon. Member for East Devonshire act? It provided the rod in pickle to punish gross corruption and gross personation. It would prevent the present large number of Petitions being sent in to be told off against each other, and it would often enable the defeated party to recover his own by making terrible examples of startling electoral corruptions. That Amendment would keep alive the terror of the Election Petitions, and the electors would be taught that they could not do wrong with absolute impunity—a warning which the Government Bill did not present. On that ground he should support the Amendment. The Government seemed bent on taking even a more dangerous plunge than that of last year; their ballot omnibus was a still crazier vehicle than that which then blocked up Temple Bar; and he hoped that they would return to a better mind, and, if they must have a system of secret voting, that they would have one with some means of preventing abuses.

MR. TIPPING said, as a Conservative convert to this Bill, he might naturally be asked why he supported it. He did so because he found that in the borough he represented the newly-enfranchised voters were unanimous only on one point—in demanding the Ballot. When he attempted to reason with them their answer was—"You don't know what you are talking about; you don't get your living by working in a Liberal mill." Now, he did not say that a Liberal mill was more of a barracoon for voters than a Conservative mill; he only cited the reply to show the feelings of the class. These men lacked moral courage, and were naturally suspicious. There should, therefore, be absolute secrecy of voting; and it seemed to him that there was no choice between the open system of voting or the absolutely

secret system, with all its evils, proposed by the Government.

MR. VANCE said, that unlike the hon. Member for Stockport (Mr. Tipping), he knew constituencies where the feeling was universally in favour of open voting. It had been admitted, on the other side, that the Ballot would encourage personation; and that it would be a dangerous portion of the measure. Now, he once represented a city in which there were 10,000 or 12,000 voters; and impersonation was in such force that agents were placed in all the booths to prevent it. In some instances they succeeded. In another place every name in the lists was filled up, and when it was known that from 5 to 10 per cent of the electors never attended the poll, the extent of impersonation was at once apparent. When by means of impersonation the wrong candidate was returned by a small majority, there was at present a remedy for the evil by petition. That Bill took away the remedy. About the middle of the day during the last year an admiral and a general went together to give their votes at Chelsea; and on giving their names they were informed that their votes had been given two hours ago. That Bill, by establishing the Ballot, took away the remedy for that kind of impersonation. He believed also that the Ballot would increase bribery to an unbounded extent. The mode of bribing would be a promise of so much money if Mr. So-and-So was returned. He objected to the Bill also because, while it destroyed undue influence, it also destroyed due and proper influence, rendering voters entirely irresponsible for the most important act of citizenship they could be called on to perform. At all events, the Bill should not be driven through just at the close of the Session—its consideration should be adjourned till next year.

COLONEL BARTTELOT said, his hon. and learned Friend the Member for East Sussex (Mr. G. B. Gregory) would not press the Amendment which stood in his name if the one before the Committee were rejected on a division. For the sake of simplifying the question, he thought it of great importance that the Committee should distinctly understand what it was they were discussing. The question was—"Were they to have a ballot which would prevent the detection of fraud and crime." That was the ques-

Mr. Tipping

tion they were discussing. Hon. Gentlemen sitting opposite said—"That is the matter; the protection of the voter should be the first consideration, and for this an absolutely secret ballot was necessary; and that for this the detection of the personator must be given up." Who were the people who would be personated? The electors who had died, and, in towns like Liverpool, those who were at sea. Suppose there should be a double return, how was the right man to be determined? The Government should legislate not for the few weak, but for the great majority of honest electors. He should vote for the Amendment.

MR. KENNAWAY, in reply, said, the want of a scrutiny had been found so great in some of the American States that they had legislated to provide one.

COLONEL JERVIS said, from his long electoral experience, and his knowledge of the proceedings in Election Committees, he felt that the Committee were asked to throw away the chance of purifying elections, for the Bill deliberately threw away all the safeguards against corruption and fraud; and for that reason he felt bound to support the Amendment. In Victoria it had been found necessary to make personation a misdemeanour. In this country thousands of men went to the poll who were not known to the returning officer, yet he was bound to take their word. He differed from the hon. Member for Bedford (Mr. Whitbread) in thinking that the Ballot would be any protection to the working man, for a manufacturer who employed hundreds of hands would still be able to obtain information as to how they were going to vote at an election. He begged to ask whether, at that period of July, there was any chance of passing this Bill, and whether the Government intended to go on with it?

MR. CHAPLIN said, it had been conceded by hon. Gentlemen on both sides of the House that bribery would not be abolished by this Bill, but would rather be encouraged; and therefore, if undue influence and intimidation were all that hon. Members had to fear, they might vote for the Amendment, because, as far as the total suppression of intimidation was concerned, that Bill would probably turn out to be a failure. Under that Bill it might be impossible to dictate which way a man should vote; but

what was there to prevent his employer saying he should not go to the poll? A hint of that kind would be given in terms which could not be misunderstood. That, he thought, was a point that should receive some attention.

MR. A. GUEST said, he thought there ought to be some mode of identifying votes in case of personation. By the present system the poll-book afforded that evidence, and a vote could be struck off, but under the Bill any unscrupulous man might personate a voter who was at sea. He hoped the right hon. Gentleman the Vice President of the Council would turn his attention to that part of the subject, with a view to bring personators to swift and condign punishment.

MR. COLLINS said, he could not understand the objection of the hon. Member for York (Mr. J. Lowther) in reference to Petitions, remarking that they had all heard of gangs of bribers going about to places like Lancaster and Bridgwater, Yarmouth and Norwich. He remembered once seeing half-a-dozen candidates advertised for a vacant seat in a borough since disfranchised; and four of the number were men who had been convicted of bribery or unseated for it. In fact, there were some constituencies where success could not be hoped for unless it was known that the candidate would spend money freely. He believed that, although undue influence would be diminished, bribery would be increased under this Bill; but if it did pass it ought to be accompanied by a new Registration Bill to prevent duplicate registration, and to remove the facility which several qualifications would give to personation under the Ballot. Under the existing system a large number of men, simply from vanity, and for the purpose of advertising their supposed wealth, caused their names to be put forward as being qualified to vote in five or six different places. Those persons should be compelled to select the particular place in which they intended to vote, and their qualification as regarded the others should be ignored.

LORD HENRY THYNNE said, he wished for explanations with regard to two matters, on the solution of which his vote depended. In the first place, if a voter going to the poll found he had been personated, would he be al-

lowed to vote; if he was so allowed, what would be the positions of the candidate and the constituency; and were there any means of withdrawing the personated vote? On reference to a later clause in the Bill, it would be seen that a man would be able to go from town to town, personating a voter, and afterwards to state that he had been employed by the opposition candidate. As there were no means of tracing the personated vote, one vote would be struck off from the list of the wrong candidate, and his opponent would be a gainer both ways. Then, again, the returning officer in counties being the sheriff, would probably appoint as under sheriff his solicitor. The latter might have been engaged in corrupt practices at many elections, and his clerks employed as his deputies might assist personation, the opposition candidate having no protection against such practices unless he had check clerks on the spot. He had no objection to secret voting so long as the interests of the constituency and the candidates were considered. The hon. Member for Bristol (Mr. Morley) was the only Member of the House who had actual experience of the Ballot. It was said that there was almost more extravagance at the last Bristol election than at any previous one; and, if that was true, they ought to consider well before adopting the Government proposal. If the Government had permitted their followers to take part in the debate, they might have given much useful advice on this subject to other hon. Members who had not studied it so fully.

MR. W. E. FORSTER said, he must inform the noble Lord who had just spoken (Lord Henry Thynne) that the next following clause provided for the case of a man finding that he had been personated. He should be glad to consider any objections about the returning officer at the proper time, but he was not aware that the Bill would induce the sheriff to make any arrangements which he could not make at present. All the objections which had been made, and the danger which had been described, belonged alike to open and secret voting, and there was no more ground for putting them forward as likely to be fostered under the operation of the Bill than there was under the existing system. With regard to the remarks of

the hon. Member for Boston (Mr. Collins), he could not see that the Bill increased the danger arising from a double qualification. On the contrary, under that scheme an impostor would be more likely to be detected; and as people could not discover who had voted in the course of the day, the risk accompanying personation would be greatly increased, so that it would be less liable to be attempted. The Government had no right to complain of the tone of the greater part of the debate; but the matter having been fully and fairly discussed, he appealed to the Committee as to whether they could not at once go to a division.

MR. PELL said, he thought it would be impossible under a system of secret voting to be sure, in the event of a close election contest, that the successful candidate was not returned in consequence of men having double qualifications voting twice.

MR. G. BENTINCK said, he did not admit that the subject had been sufficiently discussed, or that the Committee had received from the Government an answer to the most important part of the Bill. He wanted to hear from the right hon. Gentleman the Vice President of the Council a distinct explanation as to what machinery there was in the Bill to prevent unlimited wholesale bribery under its operation. He had made several appeals to the right hon. Gentleman on the subject, and had not been able to get an answer. The right hon. Gentleman was in a false position—he was an honest advocate of a dishonest course, and naturally found it difficult to answer that which it was impossible to answer.

MR. W. E. FORSTER said, he thought the hon. Gentleman the Member for West Norfolk could hardly have done him the honour of listening to any single speech that he had made. From the beginning he (Mr. Forster) had always stated that he had advocated the Ballot because he believed it would put an end to bribery more than any other measure that could be adopted. [Mr. G. BENTINCK: How?] Well, how? Surely the hon. Gentleman did not expect him to reiterate the arguments he had already given; but the subject the hon. Gentleman had introduced was not pertinent to the Amendment, which was that when a voter was found to have

been bribed, or to have personated some one, his vote was to be struck off. He must say the Committee would not be acting in its usual course if, after so many hours' discussion, the debate was adjourned before a decision was come to upon the Amendment.

SIR LAWRENCE PALK, who spoke amid much interruption, said, that his vote was wholly uncertain, and he would suggest that the right hon. Gentleman the Vice President of the Council should bring in some clause or some addition to the Bill which would render personation easy of detection, because that would meet the general approval of the House; but if he would not pledge himself to do so he (Sir Lawrence Palk) would support the Amendment.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 117; Noes 201: Majority 84.

Committee report Progress; to sit again upon *Monday* next.

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

IRELAND—RAILWAYS.

MOTION FOR A PAPER.

MR. W. ORMSBY-GORE, in rising—

"To call the attention of the House to the recommendations of the Commissioners appointed to inquire into the condition of the Irish Railways in 1868, and to move for Copy of the Memorial, signed by seventy-eight Peers and ninety Irish Members of Parliament in 1869, in favour of those recommendations; together with Copy of the Memorials and Resolutions praying for the reform of the Irish Railway system adopted at public meetings throughout Ireland, presented to the present Government since their accession to office,"

said, the time had come when the Irish public must be made aware of the footing on which that question rested, and he would proceed to sketch the history of it. Motions relating to it were brought forward in that House in 1865 by the Post-

Mr. W. E. Forster

master General (Mr. Monsell), and in 1866 by the hon. Member for Galway (Mr. W. H. Gregory), and in 1867 the Postmaster General again called the attention of the House to the subject. The first of these debates was remarkable for having elicited from the present Prime Minister, then Chancellor of the Exchequer, the following words:—

"There would probably be no mode in which that boon could be conferred so free from all taint of partiality, and at the same time so comprehensive and effective in its application, as some measures taken to secure to her the benefits of cheap railway transit."—[3 *Hansard*, clxxviii. 919.]

The right hon. Gentleman, being in Opposition in 1866, evidently had the same thoughts uppermost in his mind, and he thus expressed himself with still more spirit—

"One conclusion, however, I have certainly come to. I know of no boon that could be conferred upon Ireland so comprehensive in its application, so impartial, so free from taint or suspicion of ministering to any particular interest or to the views or convenience of any particular class, so far-reaching in its effect upon all classes and conditions of persons without distinction—I know of nothing that would be so universal in its effect as a better development of the railway system of Ireland."—[3 *Hansard*, clxxiv. 1186.]

If he had not changed his opinions, why had not the Prime Minister introduced a measure dealing with the railways instead of the Irish Church Act, which injured a large portion of the community and did no good to the rest? Lord Derby's Government issued a Commission in 1867, which had large powers given it by special Act, and in 1868 it made two Reports, one in April, the other in December. In the three succeeding Sessions he (Mr. Gore) had put on the Paper Questions to the Government, which at their request he had postponed, until Ireland had realized the truth of the proverb that "Hope deferred maketh the heart sick." And now they were entirely at a loss to know whether the Government had sufficiently considered the subject, or had come to any conclusion whatever. The composition of the Commission was such as to do credit to those who selected its Members, and to give confidence in its recommendations. In their Reports they stated that in their opinion a saving of £32,000 a-year would be effected by concentrating the management of the Irish railways into one body, and that a saving of £88,000 a-year would be effected by the

Government guaranteeing the interests on the debentures and other borrowed capital of the companies. They also recommended that the fares should be lowered, so as to bear some similarity to fares on the Belgian railways. They calculated that in the first eleven years this would entail a loss, and that in the twelfth year there would be a profit of £50,000, and in the thirteenth of £90,000. Now, he might be answered that no two countries could be more dissimilar than Belgium and Ireland, and with this, in a great measure, he concurred; but what was of infinitely more importance than his opinion, was that of the Commissioners, who, in the 16th, 22nd, and 23rd pages of their second Report, showed that they made full allowance for the different peculiarities of the two countries, and it was only after having done so that they arrived at the conclusions which he had already read. In consequence of that second Report, 78 Peers and 90 Irish Members of Parliament presented a Memorial to the Government, praying them to act on the Report of the Commission; but he (Mr. Gore) regretted they had not taken any steps in the matter. There was no doubt that low railway fares would conduce to the prosperity of the country. There were very low fares in Belgium and in Germany, and even in France they were about to lower their rates with a view to increasing their profits. But the fares in Ireland were even higher than on some of the great railways in England, of which he gave several instances. He would warn the Government that there was a strong feeling on that question in Ireland, and when the agitators for home rule said to their dupes—"Here are your own Peers, and Members of Parliament of all parties, expressing by a large majority of each House their wish that a certain subject should be considered, and a measure introduced, and no notice is taken of the appeal;" could they, with truth, say in return that they had done all that they had a right to expect? No! depend upon it, if they did not grant this boon quickly and freely, they would hear of it in a less welcome tone, and anything that they then granted would be attributed to other motives than a wish to benefit Ireland. In England, the London and North-Western receipts were £6,682,000; the Great Northern, £4,160,000; the Great West-

ern, £4,161,000; while the whole of the Irish railway traffic amounted to £2,025,000—about equal to the receipts of the Caledonian Railway in Scotland, which were £2,005,000. But while the Caledonian Railway was managed by 11 directors, the 24 railways in Ireland were managed by 430 directors, supplemented by 56 solicitors, and 70 engineers. And now, what was it that was asked for? It was, first, that the railways of Ireland should be purchased by the State with a view to the lowering of rates and fares, and increased accommodation; secondly, than any guarantee given should be an Irish guarantee, so that any loss arising the Imperial Exchequer should not suffer. It was not asked even that which was granted to Canada—namely, an Imperial guarantee; but if any loss should result, Ireland should make it good. But the Imperial credit was wanted to raise the purchase-money—the magic name of “Robert Lowe” was wanted at the back of the Bill, he receiving a bond of indemnity from Ireland to keep himself safe. In his opinion, however, the Government ought not to take the detailed management of the railways directly into their own hands. He would recommend that the scheme of the Royal Commissioners should be adopted gradually, although that would involve a loss at the commencement, because Irish Members would not be justified in involving their constituents at once in liabilities amounting altogether to £525,000. The annual loss would be a gradually diminishing one say for nine years, and there would be an undoubted margin on which to work, made up of the £32,000 a-year saved by concentration of management, and the £88,000 a-year gained by the Government guarantee; making £120,000 a-year, which could be applied in the reduction of rates and fares, beginning with a reduction of 15 per cent, and making further reductions of 5 per cent every five years, until at the end of about 30 years the whole scheme of the Commissioners would be carried into operation. In conclusion, he would say, that whatever course the Government might adopt, he hoped they would bring the railway system in Ireland more into harmony with the wants and means of the people, and begged to move for Copy of the Memorial of which he had given Notice.

Mr. W. Ormsby-Gore

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “there be laid before this House, a Copy of the Memorial, signed by seventy-eight Peers and ninety Irish Members of Parliament in 1869, in favour of the recommendations of the Commissioners appointed to inquire into the condition of the Irish Railways in 1868, together with Copy of the Memorials and Resolutions praying for the reform of the Irish Railway system adopted at public meetings throughout Ireland, presented to the present Government since their accession to office,”—(*Mr. William Ormsby Gore*)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

Mr. W. H. GREGORY said, that unanimity was a rare occurrence in Ireland, but on that subject of railways lions and lambs had laid themselves down together and with one consentient voice landlord and tenant, farmer and shopkeeper, Whig and Tory, had expressed the most anxious desire for a reform of the railway system in Ireland. On another point Irish public opinion had also expressed itself—namely, that the deficit arising from any measure of reform proposed by the Government and deemed satisfactory by the representatives of Ireland should be defrayed from Irish resources alone. Had English Members been present—and he regretted to see only one English Member in the House—he was sure they would have put their hands instinctively to their pockets. But they need be under no alarm. The Irish Members did not ask for one penny of gratuity—they simply asked the rich and flourishing country to give the aid of her credit to the poor and backward sister country; to do nothing more, in short, than to extend the same assistance to Ireland as to Canada. He wished to re-assure the House thoroughly on that point. He had made inquiries recently at the office of the Public Works Loan Commissioners whether any loss had been sustained by them on account of loans to Irish railways, and he received the satisfactory reply that no loss whatever had been sustained. There were two main objects in view in any reform—the first, increased accommodation; the second, the lowering of freights and fares, especially third-class fares. One of the main objections urged by those who, as Members of the Government, considered it their duty to make the

largest possible amount of difficulties was this,—that the railway companies in Ireland had given no sign, nor made any application to be dealt with. But was it likely they would do so? There were 66 railway companies in Ireland and 500 directors, as was mentioned by his hon. Friend the Member for Leitrim (Mr. Ormsby-Gore.) They were a formidable body, and if properly drilled and set up—though he would not envy the lot of the officer who would have to take them in hand, might form a portion of our Reserve forces, and be formidable enough so far as inert resistance went. It was too much to suppose that these men would be very ardent in their desire to give up positions of emolument, patronage, and importance. There was, no doubt, no desire on their part to do so. No less than 23 years had elapsed since an Act of Parliament was passed to enable the three companies, whose lines extend from Dublin to Belfast, to come to terms of amalgamation; but although various meetings had been held for the purpose, nothing had been effected. The directors of these companies were in too many instances petty potentates at variance with each other at different times, striving to injure and impede the traffic of each other—in other words, doing the greatest possible amount of injury to the general interests of the country. They reminded him of the small principalities in former days in Italy, where instead of encouragement being given to travellers every obstacle and annoyance was placed in their path. The state of things was absolutely intolerable. The united receipts of the whole of the 24 working companies in Ireland amounted only to £2,002,500 per annum, and occupied the attention of 500 directors; while one Scotch Company—the Caledonian—with 13 directors, managed receipts amounting to £2,000,500 per annum. Until all personal considerations were eradicated from the human mind they would certainly find no movement on the part of Irish directors in favour of amalgamation, and of their own “happy”—too happy—“despatch.” But the Irish representatives, although many of them were directors—himself, among the number—were totally uninfluenced by mere shareholders’ considerations. They wished to improve the condition of the country by the amalga-

tion of these various and conflicting boards. They wished by concentration of management to effect a saving stated by the Railway Commissioners at £32,000, and which would be available for the reduction of freights and fares, especially, as he said before, of third-class fares, for he did not attach much importance to a reduction in first-class fares, as it would not be reproductive. Then, if the debenture capital and other borrowed money were placed under a Government guarantee an additional saving of £88,000 would be effected, and all would be applicable to the same purpose of reduction. He did not wish the House to suppose that he ever ran away with the idea that the reduction of freight would be immediately recouped by an immensely increased traffic. He bore in mind that Irish railways traversed in many instances large tracts of thinly-populated country, from which no great increase could be expected. But of this he was convinced—that the lowering of third-class fares would be an immense boon to the agricultural population, which was only now beginning to be educated into railway travelling; and if freights were lowered a large traffic would spring up in the transmission of agricultural produce, which from high rates now lay congested; and, lastly, there was the question of minerals, and he might say to those who were in hopes of local manufactures springing up, that the high freight of coals rendered all such hopes vain in inland districts. They should bear in mind that in Ireland, the poorest part of Her Majesty’s dominions, fares were often much higher than in England, and invariably than in Scotland. How could they expect the poorer classes to avail themselves of locomotion in such a state of things? How could they hope for any amendment when the chairman of the greatest system in Ireland—the Great Southern and Western—in his half-yearly address in 1865 or 1866, spoke thus of the issue of third-class return tickets even on market days. He said—“It is no use to issue them, nor is there any traffic of that kind.” On the other hand, Mr. Forbes, traffic manager of the Midland line stated, in his evidence, before the Royal Commission, that—

“They tried the experiment of carrying third-class passengers at a single fare for the double journey, and the result had been that the trains

which then ran empty were now crowded every market-day, and he believed if the same system were carried out every day in the week, it would be greatly to the advantage of the country."

As regards freights, the same witness said that—

"The rates of the carriage of agricultural produce was prohibitory in many cases. That in the county of Galway they were selling potatoes at 3*d.* a stone at no great distance from a railway-station, while the price of potatoes was 7*d.* a stone in Dublin, but the high freight prevented the Galway owner from forwarding them."

And he added—

"That if the high rates were lowered, an immense traffic with Dublin in grain, potatoes, poultry, and eggs might be expected from the West."

But directors could not lower their freights and decrease their dividends even for one year, however fair might be the prospect of eventually recouping the first loss. They had to deal with shareholders not unpatriotic by nature, but whose necessities did not allow them to exercise patriotism at the expense of their families. He would conclude by saying that he had not come forward with any particular plan; although he was of the same opinion as ever that the best course to pursue would be for the State to purchase up the railways. In saying that, he was entirely opposed to the State management of these railways; but after being purchased and got in hand, they might be leased out to two or three companies for certain periods and on conditions favourable to the lowering of freights and fares. He did not go even the length of saying that he was favourable to an immediate and inordinate reduction of fares and freights by placing them on the Belgian level. He wished to proceed safely and quietly—to cut his coat according to his cloth. He had seen the results of the purchase of the telegraphs used as an argument against the Government purchase of Irish railways; but nothing could be more favourable to his views than what had occurred in regard to the telegraphs. The Government had purchased them, and had borrowed the money for the purchase at 3 or 3½ per cent, and it was, he believed, a matter of notoriety that they had obtained a return of 4½ per cent on the capital expended; while the public, who had despatched messages, had gained between £300,000 and £400,000 in one year—that being the difference between the price charged by the Government

Mr. W. H. Gregory

and that charged by the telegraphic companies. As to future undertakings, he did not wish to hamper the subject by taking them into consideration. He believed they would be carried out, according as the want of them arose, by private enterprise and local guarantees. He could not admit that there was any weak point in the harness of the Irish Members because they had not proposed a plan. The House knew perfectly well that an unwilling Government would rejoice in having a plan submitted, for nothing was easier or pleasanter to the official mind than to pick holes and to raise up difficulties. What he wanted was that the Government should simply state their own views and introduce their measure, and he was convinced that that measure, if effective to remove the evils of which they complained, would be received with acclamation by both sides of the House. He deeply regretted the long delay that had occurred in dealing with this matter. There was some difficulty in replying to the advocates of home rule when they declared that the first Session of an Irish Parliament would not pass over without legislating for railways, and that other Irish scandal—the condition of the Shannon. He did not wish to press hard on the Government. He recognized with thanks the great measures they had passed for Ireland. He saw all the difficulties which surrounded every attempt at legislation. All he asked was this—that an intimation should now be given that Government would consider this subject during the Recess and introduce a measure next Session, and that the Prime Minister would not forget his notable words only a few years back on this very subject—

"It was true that the difficult problem of intervention by Government in the case of railways was to a certain extent limited in Ireland by the circumstances of the case."

And he added—

"No boon could be secured to Ireland so free from all taint, so free from all partiality, so comprehensive and effective in its application, as by some measures taken to secure to Ireland the benefits of cheap transit."

These words had not been forgotten in Ireland, and the events of the last few years had given the people of Ireland a faith that his professions were in harmony with his intentions, and not mere idle words, without significance and meaning.

MR. KAVANAGH said, he should support the Motion. The question which it raised was in his opinion one of the utmost importance, and the benefits which would result from its adoption would be two-fold, in that the resources of Ireland would be more directly developed, industry encouraged, and, as a consequence, wealth increased; while another result would be that the hands of the Government would be materially strengthened in the event of any crisis occurring, while in a financial point of view the policy recommended would be remunerative. The present condition of the Irish railways was far from satisfactory. Great loss was inflicted on the country by the jealousies of rival companies, and there was between them an utter want of any sort of co-operation. If the railways were amalgamated under one central authority those evils would be corrected, while there would be a large saving of expense. He found that in 1866 there were 66 lines of railway in Ireland, with 494 directors and 170 other officers, working 1,900 miles of line, the total income being £1,520,000 a-year. Now, on referring to the statistics of the London and North-Western Railway, he found that one board of directors and one staff of officers worked a system of railway which had an income of £5,300,000. It was clear, therefore, that a great saving might be effected by such a system of centralization as was proposed. It was the fact that on some lines in Ireland there was a director for every two miles of railway; and that, he must confess, seemed to him to be a greater number than was absolutely required. Mr. Dargan had estimated that the result of a scheme of centralization under one board would be a saving of one-fifth of the present expenditure, and as to the Government being asked to take up bad speculations, he would only say that the lines in Ireland had, for the most part, been well laid out, and the works properly and cheaply executed. There was not the least doubt that, with proper management, Irish railways would be fairly remunerative.

THE MARQUESS OF HARTINGTON said, that question had naturally enough excited considerable attention in the minds of Irish Members, and it was quite natural that there should be some impatience and dissatisfaction produced in their minds by the fact that it had

not resulted in any satisfactory consequence; but those who complained that the Government had not and did not bring this question to a practical conclusion should remember that with the Irish Church Bill in one Session, with the work of last year, and the Business which the House had undertaken that Session, it would have been impossible, even if it had been thought advisable, for the present Government to attempt to deal with the subject; while, as regarded himself, he would ask hon. Members whether it was possible, looking at the short time he had been in office, for him to have made himself acquainted with a subject so difficult and intricate? It had been said that if the Government had brought forward any well-prepared scheme, it would not have occupied much of the time of the House, and it would have received the unanimous support of the Irish Members, but though, no doubt, there was unanimity enough among Irish Members as long as the question was left in a dubious state, he doubted whether that unanimity would be enlisted in support of any specific and defined method of dealing with the subject, more especially when that scheme involved that dangerous article of contention, an Irish guarantee. Some years ago a Royal Commission appointed to consider the subject of railways and to inquire particularly into the subject of the Irish railways, reported directly against any increased interference on the part of the State with the railways in Great Britain and Ireland. They were told that the Report of the Commission which had been appointed since that date was to the contrary effect, and that was perfectly true; but the Commission referred to was not appointed to report upon the expediency of purchasing railways, but merely as to the time that would elapse before the immediate cost of the reduction of fares would be recovered. That Report placed a great impediment in the way of anything but a great and sweeping change, because it stated that a slight reduction of fares would only result in the throwing away of money, and that a reduction to be of any value would involve a loss of £525,000 a-year. They went on to say that in 11 years time that loss would probably be converted into a gain; but as that calculation was founded upon the experience of Belgium, which was exactly

opposite to that of Ireland, he failed to see in what respect it could be regarded as trustworthy. Since that Report was published, a Committee of Peers and Members of that House had been formed to direct the attention of Parliament and the public to this question; but, though they had brought forward no particular scheme, and had contented themselves with urging that something must be done, their action did not, as far as he could see, appear to have been ratified by any considerable section of the Irish people. They were now told that what was proposed could be done without the expenditure of English money, as Ireland was willing to furnish a guarantee from her own resources to the Government, that no loss should be incurred by the acquisition of Irish railways; but even if that were so, it was the duty of a Government, before making such a proposal as that now suggested, to decide whether it would be wise to allow the Irish people to take upon themselves that liability, even if they were willing that it should be imposed—a fact which he very much doubted, as he was not aware of any public meetings that had expressed a decided opinion in favour of an Irish guarantee. But even if the Irish public were willing to incur some liability of this kind, the Government and Parliament could not be insensible to the consideration that that guarantee would assume a different aspect when the benefit would be reaped, and the liability undertaken. It would be a question whether it was wise of the Irish people to undertake that guarantee. It would also be a matter of consideration in the event of Parliament deciding upon taking action in respect to the Irish railways, whether the benefit would be worth the price to be paid for it, and whether the liability should be left entirely upon Ireland, and not to be shared in by the Imperial Parliament. Moreover, he was not aware that any request had been put forward by the railway companies themselves in reference to the interference by the State. The purchase of the telegraphs was instanced as a precedent for the consideration of the Government; but it should be remembered that the telegraph companies were doing a good and an increasing business, and paying good dividends, while the reverse was the case with respect to the Irish railways. There was nothing un-

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reasonable in the supposition that, if the change advocated were desired by so many Irishmen, some overtures should be made to the Government by the companies themselves. At all events, the present position of affairs was not one likely to lead to a speedy settlement of the question, and he could not see that the Government were in any way open to the reproach of not having acted more speedily in the matter, inasmuch as nothing whatever had as yet been done to conduce to a settlement of the question in the way desired by Irish Members. Gentlemen were urging the Government to buy concerns which were not lucrative, and the railway companies were being told that they might turn moderate investments into good ones. That was not the way in which it was desirable that those matters should proceed. If the Committee wished to produce speedy action, why did they not see whether some effect could be produced on the railway companies themselves? It was not for the Government or Parliament to go cap in hand suing the proprietors of unremunerative speculations to dispose of them; it would be much more natural that they should come to the Government seeking to be relieved from the difficulties in which they found themselves. He was not able to discover any trace of the unanimity which had been alleged. There were two schemes before the country than which nothing could be more unlike; and, probably, when the question had assumed a practical shape, there would be half-a-dozen more schemes. There was, indeed, no unanimity except in the belief that something ought to be done; and, therefore, no harm had been done by delay on the part of the Government. If the Government had rushed forward with enthusiasm to accept the proposals made, the companies would have been more than human if they had not made extravagant demands. They had, however, seen that, although the Government might ultimately think it necessary to do something, they were not extremely anxious to embark in unprofitable undertakings; and so far, if the expectations of the companies had been moderated, good would have been done by delay. He was not going to deny that if the companies would not come to the Government, it might ultimately be the duty of the Government to go to them; but he greatly doubted

whether any such plan as that contemplated by the second Report of the Commission ought to be undertaken by the Government. No doubt there was far too great a sub-division of railway enterprise in Ireland; but was it not possible that that might be reformed without the intervention of the Government? It was possible that the attention of Government and Parliament might be directed in the way of an arrangement to correct the admitted evils of the present system, to the principle of encouraging and effecting amalgamation, without plunging into any wild and extensive scheme such as that proposed. He was not in a position to announce any intention of the Government for next Session; but he could use the interval to make himself acquainted with the details of the question, and to enter into communication with those who took an interest in it, with the view of seeing whether any practical plan could be suggested, or whether there was in Ireland any such unanimous feeling as had been represented, and whether in the opinion of the Irish people they would be justified in taking upon themselves an onerous guarantee. That was all he was in a position to say, and the Government did not believe it would conduce to a speedy settlement of the question if they made a premature disclosure of their intentions.

MR. M'CARTHY DOWNING said, he was disappointed with the reply made on behalf of the Government, and he believed the noble Lord the Chief Secretary for Ireland had not paid much attention to the subject. He (Mr. Downing) had expected the views of the Government would have been stated by the right hon. Gentleman the President of the Board of Trade (Mr. Chichester Fortescue), who, he believed, was specially addressed in the speeches that had been made. He could testify from attendance at public meetings to the feeling in Ireland on this question, and he denied that money had been lent to Irish railways which had not been repaid. He never heard a better speech than that of the noble Lord the Chief Secretary for Ireland in favour of "home rule," for all that the Irish people asked was that they might be permitted to mortgage their own property, and that the State would do for Ireland what it had done for Canada and for India. He main-

tained that there could not be better evidence of unanimity than the memorial of Peers and Members of Parliament, and said that the Representatives of the people were obliged to approach the Government, because, as the hon. Member for Galway (Mr. W. H. Gregory) had said, the railway companies never would do so. After all that had been said and done it was really too bad to assert that there was no unanimity of feeling in Ireland, and he would warn the Government, as the hon. Member for Leitrim (Mr. Ormsby-Gore) had done, against the consequences of maintaining the attitude they did.

MR. LEVESON - GOWER said, he felt an interest in that question, in consequence of having been a Member of the Commission appointed to consider the subject. The result of the deliberations of that Commission was adverse to Government interference with Irish railways; but, as an English Member of Parliament, he was ready to admit that the question was one in respect to which the greatest deference should be paid to Irish feeling, and if the Government or any private Member of that House were to propose a scheme which would meet with the support of the majority of Irish Members, he should refuse to oppose it, though in his own judgment he might think it objectionable. He did not think that on this subject there was in Ireland that unanimity which the hon. Member for Galway described, and he conceived that there existed insuperable objections to every proposition which had been suggested; but, as there was great evil in leaving the matter open, the Government ought, if they could not think of a scheme which they could honestly propose, to state that circumstance candidly and decisively to Parliament, for at present the expectation that the Government would deal with the matter in some way prevented a reduction of fares and a system of amalgamation from being effected.

MR. VANCE said, that the Irish people would hear with regret that the noble Lord the Chief Secretary for Ireland could not pledge the Government to bring forward a mature scheme next Session. He must, in contradiction to what the noble Lord had asserted, maintain that the Irish people were unanimously of opinion that the Government should introduce a measure dealing with

the subject. With regard to the subject of Belgian fares for railway travelling, although they were only one-half the amount of the Irish ones, yet they were found to be highly remunerative to the State.

MR. GLADSTONE said, he had no intention of departing from the tenor of the language he had formerly used, as quoted by the hon. Member for Galway (Mr. W. H. Gregory); and he thought that no greater or safer boon could, at the time when he spoke, have been bestowed on Ireland than by a measure, if such could be devised, for securing to the different classes in that country the immense advantages of easy and cheap communication, but he had been careful to avoid committing himself as to the time or shape or the practicability of adopting a plan of that kind. To desire an object was one thing, and to see one's way to it was another, and there could be no greater mischief than for any persons likely to hold office in that country to give grounds for expectations which there might be no means of fulfilling. At the same time, he must say that to the full he shared in the responsibility of his noble Friend the Chief Secretary for Ireland. In the time of the Government of Lord Palmerston, a Railway Commission composed of persons of the greatest weight, authority, and experience was issued, and it was issued with the hope that some measure for the benefit of Ireland in reference to railways would be suggested by the inquiry; but the result was entire disappointment, for the Commission reported very unfavourably to the proposals which were suggested. The hon. Member for Cork (Mr. Downing) complained that Ireland was treated unequally with Canada and with India in respect to the railway question; but the fact was in regard to Canada the guarantee was given not to a railway company, but to the Legislature of Canada, and expressly on the ground that it was not given as a specimen of future policy, but because that country desired to wind up and close a vicious system. Then, what was the case with regard to India? India had never had an advance or a guarantee of a sixpence; not a sixpence had been advanced to a railway company in England; assistance was refused even to the Holyhead Railway; but there had been inequality, in favour of Ireland,

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for valuable assistance in the shape of loans had been given to Irish companies; and assistance had been given to Ireland which had been refused to England and Scotland. The hon. Member for Bodmin (Mr. Leveson-Gower), who was a stern freetrader, said that if he found there was a practical accord among the Irish Members and people on that subject, and that their demands involved nothing intolerable, he, for one, would waive his own personal disinclination, and would be ready to give his assent to a reasonable measure; and, for himself, he was Irishman enough to hail that declaration. That was approaching the subject in a spirit of equity and justice, and he would go so far as to express a belief that English and Scotch Members while approaching the question with a considerable amount of adverse prepossession on the merits, unaccustomed as they were to such interference, and while justly demanding strong reasons, would, in such a state of things, give their assent to any reasonable measure. When he heard it stated that no measure had been submitted to Parliament on the subject, and that no legislation had been effected, he would ask in what year did they live and in what circumstances did they stand? Was there a man in that Assembly who held that it was competent for the Government to deal with all subjects at any time, to deal with subjects in a manner that was desirable; to examine everything that could be examined; and to come immediately to conclusions as to what was to be done? The real question was, what were the powers of the Government in that House for practical legislation? He held that Ireland had no reason to complain of her share in the legislation of the last three years. During that time Ireland had occupied the attention of that House so exclusively that general legislation was in arrear, while English and Scotch legislation had been reduced almost to absolute stagnation. Therefore they had to consider the capacity of Parliament to dispose of public questions of that kind, for that was a difficult and complicated matter, not to be disposed of by an unopposed measure; and his hon. Friend the Member for Cork (Mr. Downing) had overlooked the main reasons why the Government had made no serious effort to arrive at a definitive judgment upon it—namely, the total

impossibility of their doing so in the state of Public Business. If there was one matter which it was the fashion to reproach the Government for more than another, it was the practice of bringing in Bills which they were not able to carry. What benefit would they have conferred upon Ireland if they had brought in a Bill upon this subject, novel in its character, complicated in its provisions, and raising many difficulties, without a reasonable prospect of carrying it forward; or could hon. Members be appeased or propitiated if, in the present state of Public Business, Government ventured to fix a time when they would make a proposal? Under existing circumstances, his noble Friend the Chief Secretary for Ireland had given Irish Members useful advice. It was important to consider not only what Government and Parliament could do, but how far and in what way parties in Ireland would meet them. Could there be a better way of showing friendliness than pointing out difficulties which in some quarters no attempt had been made to solve? Was it not reasonable to point out the attitude of the companies, keeping up high fares, waiting to be bought out, asking for the prolongation of miserable loans, and making no serious rational endeavour to realize some of those economies which were within their power, and by which £32,000 a-year was to be saved? Why was no advance made on their part? Let the hon. Member for Galway, and other hon. Members who were Irish railway directors, influence their own boards and good might be done. The best position of the question would be that those of the Irish companies which were not flourishing showed a disposition to move. Those Peers and representatives who were bringing pressure to bear upon Parliament would exercise a wise discretion if they endeavoured to bring those who could do so much to assist them into an attitude of greater readiness for the change desired. As to Government keeping the question open, Government had done nothing to open it; but they were ready to approach it when there was an opportunity of dealing with it in a practical way, and they would be exceedingly wrong if, in order to curry favour for the moment, they were to hold out large and vague language about the desirableness of mea-

asures of that kind. It was more friendly to Ireland to state at once the difficulties that stood in the way, and to endeavour to turn the attention of the Irish railway directors, and of the representatives of Ireland to the means of overcoming those difficulties, and in justice to his noble Friend the Chief Secretary for Ireland, he must say he had shown no symptom of indisposition with respect to dealing with the question. There was no desire on the part of the Government to plead rigid hard abstract principles of non-interference in the case; they desired only to be governed by practical considerations, but those considerations were not of a kind that could be disposed of in a day. With regard to the difficulties attending the settlement of the question, for instance, equitable principles, alternating between a charge upon local rates and the income tax, had been laid down as to a guarantee, but it was not easy to decide upon the form in which those principles were to be applied. If it was suggested that the income tax could be made available for local purposes, it might be said with equal truth that the income tax could be used in the same way in England and Scotland; so that by pursuing this argument they would clog the question of railways with the necessity of solving, as a preliminary, one of the most difficult questions of Imperial or local finance. He did not go quite so far as the hon. Member for Galway, in saying that £525,000 would be nothing to pay, if it contented the people of Ireland; but if the Government could see their way to a useful and practical measure they would not be disposed, and he did not think the majority of the House would be disposed, to drive a hard bargain with Ireland; and at the proper time there would be willingness to deal with that subject upon those terms of equity which the Imperial Parliament had usually been ready to adopt when questions of that class had arisen between the two countries. The real reason why Government had not dealt with this matter was, that Government had no wish to deal with it until they could see the means of dealing with it effectually. He counselled the hon. Gentleman the Member for Leitrim (Mr. Ormsby-Gore) and those who adhered to his Motion, to endeavour, in the interval before the question could come to a

full Parliamentary solution, whether negative or affirmative, to bring the plans and views of the Irish people to a state of maturity, so that it might be comparatively easy, instead of being difficult to deal with the question when brought before Parliament for consideration.

MR. O'REILLY said, he must express his disappointment at the answer of the noble Lord the Chief Secretary for Ireland, which he considered very unsatisfactory. He believed that what had been done by individuals in England laboriously, slowly, and at a great cost in the way of railway reform, might be done quickly and effectually in Ireland with the aid of the Government. The opinion of Ireland, he believed, had been clearly expressed in favour of dealing with that question, though he felt that it would be wise to abstain from advancing any specific proposal until they could do so with some effect. All that they asked was a pledge that between that and the next Session the Government would fairly consider the question, so as to be able to announce whether they thought it definitively desirable to leave the railway management of Ireland to the chaos and contention of individual interests to which it had been decided to leave it in England, or whether it was desirable in Ireland to encourage some other and better system. That proposal did not come from the Irish railway companies, who, as their property was to be purchased at no more than its value, had really no interest in the matter.

LORD CLAUD HAMILTON observed that the Irish Members did not hope for or expect immediate action on the part of the Government, neither did they wish the adoption of any intermediate scheme; but they had ground for complaint from the fact that hitherto they had always met with official repulse and cold criticism at the hands of the Government, who had shown no disposition to meet them even half-way upon the subject. He believed there was no objection on the part of the Irish community to making the guarantee a mere Irish guarantee. He did not see why Ireland should be treated differently from Canada.

MR. GLADSTONE remarked that the arrangement with Canada was entered into with parties who had power over

the revenue, and there were no such parties in Ireland.

MR. MURPHY hoped some plan would be adopted by the Government with a view of satisfying the general desire in Ireland for a reduction of fares and the development of railway traffic. He thought the Government should not undertake the working of the railways, but they should guarantee the interest on the debentures, and have a control over the tariff.

MR. WHALLEY said, it was the wish of all parties that the railway fares in Ireland should be reduced; but no reform could be effected except by the intervention of the Government.

MR. SCLATER-BOOTH said, the Government were in possession of all the information necessary to make up their minds on this subject, and any course they might think it necessary to pursue must be considered on Imperial grounds. If, however, they interfered at all, they must exercise control over the railways of Ireland, and there must be some security in return for the guarantee they gave.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—MISCELLANEOUS ESTIMATES.

SUPPLY—*considered in Committee.*

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £268,122, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for Public Education under the Commissioners of National Education in Ireland."

THE MARQUESS OF HARTINGTON, in rising to move this Vote, said, he was anxious to make a very short statement with regard to the intentions of the Government respecting the claims of national teachers in Ireland. The plan of the Government would involve a Supplementary Estimate; but in the Vote now asked for the Committee would be called upon for no opinions upon the subject of the remuneration of the national teachers. Those teachers had urged several grievances — first, the powers of arbitrary dismissal by the

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managers; next, their want of pensions; and, lastly, the general inadequacy of their pay. With the first two complaints the Government could not now deal. As to the third, the Royal Commissioners on Primary Education had reported in favour of an increase of pay; but they had suggested that the whole of the increase should not be provided by the State. The Government felt that that recommendation was founded in justice; but the question was, in what way other funds should be called on to contribute? The Royal Commissioners recommended a national Education rate. The Government felt it would be quite impossible in that Session to propose an increase of the teachers' salaries, part of which should be provided by a national rate, for such a proposal would meet with general opposition in Parliament. At the same time, the Government felt it would not be just to provide the whole amount out of the Imperial Exchequer if nothing were contributed from local sources. They therefore felt that they could not during the present Session propose a final settlement, but there was great danger in allowing the subject to remain undealt with. They therefore considered in what way some temporary measure of relief could most conveniently be granted. The persons who most required relief were the lower class of teachers, who, in some cases, scarcely received enough to support existence. The average salary of the teachers was about £35; but the males of the first, second, and third divisions of the third class, called probationers, received £24, £18, and £15; and the females received £20, £16, and £14. These sums were supplemented by very small fees and local contributions, which did not average more than £2 or £3. Although the Government were unable to provide a general measure, they submitted for the adoption of the House one suggestion accepted by the Commissioners of Education. That proposal was to make a temporary arrangement to bring up the pay of the third and probationary class to the pay of the second class, less £1; and thus raise the salaries of the males to £27, and those of the females to £23. The addition would involve an increase of £3 to the first division of the third class, of £9 to the second division, and of £12 to the third division in the case of males, and an increase of

£3, £7, and £9 in the corresponding classes of female teachers, and it was estimated that a sum of £18,703 would be required to meet the addition. A Supplemental Estimate for that amount would be laid on the Table. The only further observation he had to make was that the Government agreed generally with the Royal Commission in thinking that whatever addition was made to the salaries of the teachers ought not to be indiscriminate, but ought to depend in some respect on payment by results. He trusted that the House would now allow the ordinary Vote to be taken, and the proposed augmentation might be discussed when a Supplemental Estimate was presented to provide for the expense. The noble Lord concluded by moving a Vote to make up the sum of £398,122 required for public education in Ireland.

MR. SCLATER-BOOTH said, he must point out that this Vote contained an increase of £16,950, and as a further addition of £18,000 was proposed, he thought some Notice should have been given. A Supplementary Estimate would be objectionable, for the desirability of making this grant might have been ascertained before Christmas, and the sum placed upon the Estimates for the year.

MR. GLADSTONE explained that before Christmas the Government still hoped to be able to propose a complete measure upon the subject that Session; and it was only when they found that to be impracticable that the necessity for a Supplementary Estimate arose.

COLONEL WILSON - PATTEN said, that the Irish Members with whom he had been in communication felt that if they allowed that opportunity to pass they would have no future chance of discussing the question; and as it was too late at a quarter before 1 o'clock in the morning to debate the matter fairly, he hoped his right hon. Friend would not press the Vote unless he stated that the Supplementary Estimate would be brought on next Monday or Tuesday.

SIR FREDERICK W. HEYGATE said, he could confirm what had been said by the right hon. and gallant Gentleman (Colonel Wilson - Patten) as to the views of the Irish Members. That education question in Ireland was one in which great interest had been felt,

and it was too important to be taken up at that late hour of the evening.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Bentinck.*)

MR. MUNDELLA said, he hoped the House would proceed, as the proposed increase to school teachers in Ireland was much needed.

MR. MILLER said, he objected to Irish educational discussion when Scotch questions of the same nature were shelved. He should support the Motion for reporting Progress.

Question put.

The Committee *divided*:—Ayes 44; Noes 68: Majority 24.

Original Question again proposed.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Raikes.*)

MR. GLADSTONE said, he would suggest that a portion of the Vote should be taken now, and that the general question should be discussed on a future occasion. He would remind the hon. Member for Chester that to refuse Her Majesty's supplies was a weapon generally reserved for great emergencies.

THE CHAIRMAN said, in reply to the right hon. Gentleman, that it was difficult to say what could be discussed on a Supplementary Estimate which was not before him; but, no doubt, if there were a general understanding to that effect, the general question could be discussed on the Supplementary Vote.

Motion, by leave, *withdrawn*.

Original Question put.

The Committee *divided*:—Ayes 63; Noes 26: Majority 37.

Resolution to be reported.

The Clerk at the Table informed the House, That Mr. Speaker was unable to return to the Chair during the present sitting of the House.

Whereupon, Mr. Dodson, the Chairman of Ways and Means, took the Chair as Deputy Speaker, pursuant to the Standing Order.

Resolution to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

Sir Frederick W. Heygate

FEUDAL AND BURGAGE TENURE (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to abolish Feudal and Burgage Tenure and to amend the Law relating to Land Rights and Deeds in Scotland, *ordered* to be brought in by The LORD ADVOCATE, Mr. Secretary BATHURST, and Mr. ADAM. Bill *presented*, and read the first time. [Bill 251.]

HABITUAL DRUNKARDS.

Select Committee *appointed*, "to consider the best means of dealing with Habitual Drunkards."—(*Mr. Donald Dalrymple.*)

House adjourned at Two o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 17th July, 1871.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Army Regulation (237), *negatived*; Consolidated Fund (£10,000,000)*; Exchequer Bonds (£700,000)*; Pedlars Certificates* (252). Committee—Public Libraries (Scotland) Act (1867) Amendment* (241). Report—Clerk of the Peace* (180). *Third Reading*—Factories and Workshops Act Amendment* (261), and *passed*.

CHILDREN'S EMPLOYMENT COMMISSION.

HER MAJESTY'S ANSWER TO THE ADDRESS.

Her Majesty's Answer to the Address of Tuesday last *reported*, as follows:—

MR LORDS,

I have received your Address, praying that I will take into consideration the state of the Children in the Brickfields as reported by the Commissioners in 1864, with a view to their being brought under the protection of the Factory Acts.

I will readily concur with Parliament in passing into Law a measure giving effect to the purpose of your Address.

ARMY REGULATION BILL—(No. 237.)
(*The Lord Northbrook.*)

SECOND READING. DEBATE RESUMED.

[THIRD NIGHT.]

Order of the Day for resuming the debate on the Amendment on the Motion for the Second Reading—which Amend-

ment was, "to leave out from ("That") to the end of the Motion, for the purpose of inserting the following words:—

"That this House is unwilling to assent to a second reading of this Bill until it has had laid before it, either by Her Majesty's Government or through the medium of an inquiry and report of a Royal Commission, a complete and comprehensive scheme for the first appointment, promotion, and retirement of officers; for the amalgamation of the Regular and Auxiliary Land Forces; and for securing the other changes necessary to place the military system of the country on a sound and efficient basis,"—(*The Duke of Richmond*.)

read; debate resumed accordingly.

LORD ABINGER said, that if this Bill were passed it would benefit him in a pecuniary point of view, inasmuch as by certain changes which had taken place in his regiment he had become junior lieutenant colonel, his commission had been rendered unsaleable, whereas the Bill would give him compensation; therefore in giving his vote in support of the Amendment of the noble Duke he was acting contrary to his personal interests. From his position as a commanding officer he had unusual opportunities of collecting the opinions of officers—not merely those of his own regiment, but of his personal acquaintance, and he had been in communication with Members of the other House who had equal opportunity, and as the opinions thus collected coincided with those he had himself gathered, he thought he was justified in saying that the officers of the Army preferred remaining as they were. He had no hesitation in constituting himself their spokesman, and he did so with a full knowledge of the responsibility which he incurred. They held that the existing system was sufficiently beneficial to them to induce them to desire its continuance; they found that it gratified an honourable ambition, and they conceived that in the rapidity of promotion they obtained an equivalent for their outlay. The noble Marquess (the Marquess of Hertford), who spoke on Thursday night, had been 44 years in the Army, had sent out between 40 and 50 letters to non-purchase officers, and the replies, which the noble Marquess laid on the Table at the close of his speech, showed that they were, without exception, satisfied with the present condition of affairs. As a general rule they obtained promotion within a reasonable time after the purchase officers, and though they might

become colonels two years and eight months later than the latter, it must be remembered that, without having paid a penny, they came into possession of that which they could dispose of for £7,500. If, again, a non-commissioned officer became a captain he came at once into possession of a commission worth £3,500. The officers, therefore, would prefer the rejection of this measure, and that the question should never be mooted again. They were, in fact, creditors of the country, being the direct successors of the officers who originally raised and equipped the regiments, and presented them to the country; and the Reserve Fund, coming entirely out of the pockets of the purchase officers, had reached, since 1796, the sum of £3,000,000. Not only, moreover, had the Government derived advantages from the officers since 1711, when purchase was introduced, but from officers of Militia regiments, who had presented the country with 100 recruits as a condition of obtaining commissions for nothing. Reckoning, indeed, the amount in coin and in kind which purchase officers had presented to the Government, he believed that it was fully equal to the sum which it was now proposed should be paid them on retirement. The officers of senior rank had, no doubt, not much to complain of in this scheme. The only harm that could befall them was that the Government would, in all probability, deprive them for the future of the honorary positions which they had hitherto enjoyed—a considerable disadvantage, but one which it might not be right to speculate upon, as it had not at present been sustained. The status of the junior officers, on the other hand, would be seriously affected, and he could state advisedly that they were dissatisfied—so reasonably so that he thought the money they had paid ought to be paid back. An ensign could not be deemed fairly treated if, having paid £450, he had to wait a long time for a colonelcy, losing the rapidity of promotion which purchase provided, and had then to wait for his retirement before he could realize anything. A captain, whose commission was worth £3,500 if he retired immediately, would be placed in a similar position. It was clear the proposal of the Government created so great an alteration in the status of these officers that they had a right to say they ob-

jected to the terms proposed. The question of exchanges was the next important point on which he would touch. Under the Bill of the Government the position of the officers of the Army was beyond all doubt greatly worse. The officers of the Army ought to be deeply indebted to the illustrious Duke who spoke on Friday (the Duke of Cambridge) for what he had said on the subject. The illustrious Duke contended that the principle of exchanges should be kept up; but he did not see how under the scheme of the Government that was to be done. The officers, therefore, had just ground for complaint under that head also. He would venture to add that the terms which they would accept were by no means unreasonable, and were such as the Government might very well grant. There was, for instance, the scheme proposed in "another place" by Mr. Muntz, who advised the paying down of the regulation prices at once, leaving the over-regulation prices to take care of themselves. One of the advantages of the adoption of such a scheme would be that that *bête noir* of the whole of the Army, selection, would be got rid of, while the subject of exchanges would also be disposed of. It would put an end, also, to the popular delusion that one officer by the mere payment of money could get himself over the head of another. The regulation price being abolished, the War Office would no longer have to inquire of a senior lieutenant, for instance, whether he could pay his purchase money, and the captain retiring, the senior lieutenant would be promoted at once, whether he could pay the purchase money or not. That was a scheme which the Government might very well adopt, and which, he believed, would be acceptable to the officers. An alternative scheme, which was worthy of the consideration of the Government, was that proposed by Colonel Anson, who suggested that the officer should have the option given him of either receiving the regulation price of his commission immediately, or of accepting the proposal now made by the Government within six months. That also was a scheme which ought not to be unacceptable to the Government, as it would at once abolish purchase and over-regulation prices. But in the interests both of the officers of the Army and of the country, it would be infinitely better to adopt the proposal of Mr.

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Muntz, and to leave the question of over-regulation to take care of itself. He now came to another branch of the subject which was deserving of their Lordships' most serious attention. He gathered from the speech of the illustrious Duke (the Duke of Cambridge) that he was prepared to a certain extent to modify the opinions which he expressed before the Commission of 1857, and to assent to the abolition of purchase now if the Government were prepared with a proper scheme of retirement. That little word "if" was, however, a very essential word, and the statement of the illustrious Duke thus qualified would, he felt assured, be received with satisfaction by the officers of the Army. It was quite possible for the Government to put forward a scheme of retirement if they chose; but the fact, in his opinion, was that they did not choose. Sir Henry Storks, for example, had found no difficulty in devising an elaborate retiring scheme for his own branch of the service, why should he not do the same thing for another? He, for one, could not assent to the second reading of the Bill in the absence of any such scheme. The noble Duke who sat below him (the Duke of Richmond) had, he might add, considerably understated the case, in his opinion, when he said that to carry out the system of retirement under the Bill as rapidly as it was now carried on would cost £850,000 a-year. He himself calculated, taking Mr. Cardwell's own figures, that the amount of the charge would be at least £1,150,000. It was well known that the average cost of the retirement of a captain was £3,500, of a lieutenant colonel £7,500, and so on throughout all ranks in the Army. If, too, the various estimates for other branches of the public service were considered, it would be found that in India the retirement system cost £850,000, the officers who retired there being one-third less than in the purchase corps of the Army; so that, allowance being made for that one-third, the sum which retirement would amount to under the Bill would be something like that which he had named. A calculation of the cost of retirement in the civil departments of the Army—by which he meant the Medical, the Control, the Quarter and Barrack Masters' Department—gave a similar result; the retiring allow-

ances in the Artillery were £45,000, which would give £1,100,000. So that there could be very little doubt that £1,120,000 a-year was a very close approximation to the cost of retirement under the present Bill. Turning now to another very important feature in the Bill—the adoption of the principle of selection—he could safely say that if there was one point of the Bill which the officers of the Army regarded with dislike and distrust, it was that. He knew the officers of the Army felt themselves perfectly safe in the hands of His Royal Highness the present Commander-in-Chief; but then he was the only man in whom they would repose the same confidence. Where was there a man outside His Royal Highness who might be chosen for the post who could be said to be of no politics? He did not think such a man was to be got; and the officers of the Army therefore were most anxious that not the principle of selection, but that a good system of rejection should be the rule adopted. And who could fairly contend that rejection did not exist in a satisfactory manner under the purchase system? He did not know any act in which the illustrious Duke received more sympathy from the officers of the Army than when he rejected an officer who was unfit for a particular appointment. The honour and safety of the Army, in fact, depended on its being well commanded. He would now briefly refer to some statements which had been made by the Prime Minister, who said that the officers of the Army had too much leave. Now, he was quite sure they would be satisfied to accept as much or as little leave as their superiors thought they ought to have; but when the Prime Minister spoke of “professional” soldiers he should like to know what by the use of the word “professional” he meant to imply. His own idea of a professional soldier was a mercenary, a man rather prone to plunder and military license, and if the Prime Minister accepted that definition he would not complain, for he was happy to know that of such the British Army contained not a specimen; but his tone of voice was such when he used those words that he evidently meant to convey a reproach on the British officer which he did not think was deserved. He would venture to tell the right hon. Gentleman what the British officer was.

He was a perfect English gentleman, and, happily, there was no want of such men in the British Army. And as to “professional education,” when a commanding officer was fully acquainted with the technical details of his profession it would, in his opinion, only tend to narrow his mind to keep him constantly to work with which he was thoroughly conversant, while reasonable relaxation would still further fit him for the discharge of his professional duties. As to making professional officers, he would say that the English officer would be as professional as Parliament would allow. The fault did not rest with him, but with Parliament, which would not vote a sufficient sum of money to enable him to carry out his professional studies. What happened in his own battalion? A class was formed to learn practical engineering, but the difficulty was to find who was to instruct it. He applied to the proper quarter, and long correspondence followed; and, at last, to whom did their Lordships suppose a battalion of Her Majesty's Guards was indebted for instruction? Why, to a sergeant of a Volunteer corps. After a time, they took their pontoons, barrels, and other appliances down to Windsor to practice; and their Lordships would be surprised if they saw the letter he got from the Control Department, asking what business he had down there. But now he had got 296 men properly instructed in field engineering, and that had been done not with the assistance of the authorities, but by himself and the officers in London by sheer hard and persevering work. What was the answer given to him by a colonel of the Control Department when he applied for the articles that were required? It was this—“If we give them to you, we shall have all the British Army asking for them.” Well, if that were so, what business had anyone to say that the British officer was not professional? Now, a few words as to the proposals with regard to the Militia. The scheme for localizing the Militia was valuable, but he did not quite understand the difficulty spoken of by the Financial Secretary, who said that officers of the Line and the Militia could not be quartered together, and could not serve in the same ranks, because the former were paid and the latter were unpaid. He ventured to assert that what was wanted

was in the Line long service for the men and short service for the officers, and in the Militia the reverse—so that the short service might fit the men to be recruits for the Line. What ought to be done, and the purchase system offered facilities for doing it, was to make it a condition for officers entering the Army in future that if they left the service within 15 years they should be bound to serve in the Militia for 28 days every year for the remainder of the time. That would form a bond between the local Militia and the Line, and under such a system there would not be the slightest difficulty in supplying the Militia with good officers. As to the system of Reserves which the Government proposed to introduce with the rule of short service, he, as a practical soldier, ventured to deny the conclusion which the Secretary of State drew. His own opinion was that if they had had a short service Army when they went to the Crimea, or such an Army as they had on the heights of Sebastopol the second season, that fortress never would have been taken. He would give an instance to show the difference between young and old soldiers. In his battalion they had from 900 to 1,000 men when they first went out, and they brought back half, and killed the other half. A body of recruits were sent out. He saw them when they arrived—fine, healthy, hardy, young boys, a great contrast to the ragged veterans they served with. But what happened? So great was the mortality among them that they went by the name of “The dead draught.” In two weeks they buried 69 of them, and when they returned to London they had only 15 boys in the ranks. Under the short-service system, such was the sort of lads of whom their Army would be composed. The noble Lord concluded by thanking their Lordships for the attention with which he had been heard.

THE EARL OF LONGFORD said, he agreed with a great deal that had been said by his noble and gallant Friend, but, nevertheless, he differed from his conclusion. If there were no stump, and no constituencies, and no large majority of the House of Commons, and no large body of officers not unfavourable to the proposed change, the question of leaving things in their present state might perhaps be still considered. But the matter had advanced a stage further. The Bill was, no doubt, not

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entirely satisfactory. It had a fine name, the “Army Regulation Bill” outside, a “Bill for the Regulation of the Forces” inside; but he looked in vain to its contents to warrant these fine titles. The contents were small, and the Bill was of such a character that the Amendment was not only not unreasonable, but was entitled to a fair consideration. He could see no advantage, however, whether in the interests of the Army or of good government, in postponing a decision. The purchase system offered many advantages, but not so unmixed with drawbacks that their Lordships should be afraid that some other system equally favourable to discipline and efficiency could not be adopted. It appeared to him that in principle purchase could not be defended—certainly not as the principle on which promotion in an honourable service ought to be conducted. They could hardly expect that any considerable institution could be removed without some sharp attack and strong defence—prolonged, perhaps, for more than one Session. The attack might take the form of a disagreeable agitation, conducted in a disagreeable spirit. The defence might be pronounced as vexatious and unworthy by those who held that the walls of the assailed citadel ought to fall down upon their blowing their own trumpets. But if the institution was strong it would stand—if weak it would perish. The best friends of purchase had admitted that the arguments in its favour were weak, fair terms of compensation were now offered—they had it from good authority that the terms were liberal—and he therefore could not recommend the rejection of the Bill. The proceedings of Her Majesty’s Government were not such as to entitle them to appeal with confidence to their Lordships in this matter. The noble Duke who spoke the other night from behind the Ministerial bench (the Duke of Somerset) had claimed from the Government some definite assurance that the improvements they had promised would be carried into effect if the Bill passed. He hoped before the close of the debate some satisfactory assurance of that kind would be given; but, under all the circumstances, he believed it to be in the interests of the public and of all concerned that the Bill should pass. He regretted that on this occasion he did not find himself in accord with

those around him, but he hoped this might be considered a question on which fair men might differ. When this Bill should have passed, the real work of organization would begin. There was very little in the Bill, and the noble Lord the Under Secretary and other Ministers had said little or nothing about such matters as barracks, which must be constructed on a very large scale if there was to be any great increase in the number of recruits to be trained: there was nothing said about fortifications or armaments, which were still in a very imperfect condition; no allusion to a second arsenal, which was absolutely indispensable to our military security; and nothing about a new building for the War Office, which was a matter of necessity for more practical administration. Nothing had been said about the question of India, and little or nothing about the scheme of retirement—but how necessary it was that something should be done in that way would appear when he told their Lordships that, according to a pamphlet recently published, he believed by Sir E. Sullivan, officers who now entered the Artillery might expect to be lieutenant colonels in 120 years. All these were points requiring great attention from Her Majesty's Government. The question of retirement especially ought not to be postponed; it was a matter which called for immediate action. As he thought it desirable that Her Majesty's Government should be free to turn their attention to those great questions, he should vote for the second reading of the Bill.

THE EARL OF LUCAN said, he regretted that the noble Earl (the Earl of Longford) should have come to the decision he had announced without having given sufficient grounds for doing so. The noble Earl, as he thought, did not express himself at all favourable to the Bill, but said that the system of purchase did not admit of defence. Now, he (the Earl of Lucan) entertained so strong an opinion on this subject that he thought it his duty as a soldier to uphold the purchase system as long as he could, believing in his conscience that the purchase system was the best system for the English Army. This system of purchase arose with the beginning of a standing Army in this country, it had lasted for 200 years, under it all the glorious achievements of the British Army had been accomplished,

and it had given us the most active, the most energetic, and the most able-bodied officers of any Army in the world. When he said that physically they were better than any other officers of any service he would add that they were unsurpassed for their loyalty, for their valour, for their devotion to the service. It was not a system that was easily understood by a foreigner, but when it was understood he approved it. As had been stated lately in this House, General La Marmora appreciated it; and Marshal Canrobert said—"It is my opinion—an opinion I have always expressed and shall express—that there are no braver soldiers in the world than the British soldiers except their officers, who are braver still." With these facts—the truth of which he could produce documents to attest—he had no hesitation in defending the system. He contended that their purchase system was, properly speaking, no purchase system at all. He was not speaking now of the over-regulation prices; but with regard to the regulation price, he wholly denied that it was purchase. It was said by the noble and gallant Lord (Lord Sandhurst) the other night that the purchase system arose at a time when civil offices were bought and sold, and he argued that, like the others, it was the corrupt growth of a corrupt age. Well then, why was it not abolished when the buying and selling of civil offices were abolished? No—it was not abolished, but it was regulated. And why? Because it was known that one of two things must be done—either the retiring officer must receive some value for his commission or be pensioned by the State, and the State was niggardly enough to refuse to give the pension. He could not allow that it was purchase, because the money did not pass from one officer to another. The price of the commission was really a sum of money lodged—it was a security for the good behaviour of the officer. He had said just now that nothing passed between officer and officer—the money was paid to the Government, who paid certain sums of money to retiring officers in lieu of pensions. It was at a very recent date that the traffic in commissions, as it was called, was introduced, and that had been done by the Government itself. There was no doubt that the Government had of late years been trafficking in commissions in a most disgraceful and disgusting way. The Government had

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at their disposal a sum amounting to nearly £2,000,000, which had been contributed by the officers of the Army. He would mention two instances in which the Government had improperly dipped into that Reserve Fund. There was a certain Engineer officer who was receiving civil pay to such an amount as disqualified him from receiving professional pay. The Government of that day—he knew not whether it was Conservative or Liberal—took £1,800 out of this Reserve Fund for the purpose of handing it over to this captain. In the next instance the Government took £7,000 or £8,000 out of this Reserve Fund for the purpose of buying out an officer. In consequence of the acts of the Government purchase became general. It was under the Liberals, who were always declaiming against purchase, the system had become general. He readily admitted that if the abolition of purchase had become necessary the terms offered by the Bill were not unjust. The right hon. Gentleman the Secretary of State for War told the House of Commons that purchase was an obstacle which met him at every corner, and that for the purpose of amalgamating the Line with the Militia and the Volunteers it was necessary to abolish purchase. Now as to the obstruction, during the whole time that this question had been under discussion in the other House not a single proof had been given of the manner in which it so acted; and as to amalgamation, everybody who knew anything about the system of purchase knew that the question whether officers should be appointed by purchase or without purchase had nothing at all to do with the question of amalgamation. Their Lordships were told that if that Bill was passed into law promotion was to be carried out by selection. He must really ask the noble Lord who had charge of that Bill (Lord Northbrook) whether selection did not exist at present? He could show that the power of selection did exist at this moment, and was formerly exercised. At the time that he entered the Army, under the rule of the Duke of York—under Lord Hill—the power of selection had been exercised. He knew of cases in which it had taken place even in the Guards, and therefore there could be no doubt it was exercised in regard to the Line. Their Lordships were told that the Government would introduce a sys-

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tem of retirement which would secure a flow of promotion. He regretted that the noble Lord (Lord Northbrook) and the right hon. Gentleman the Secretary of State for War were so reserved on that question. Would the noble Lord (Lord Northbrook) tell him at what age officers ought to retire—at what age would he compel them to retire, for it must come to that? He believed that this hobby of the Government—the abolition of purchase, including the cost of retirement—would involve an expenditure of nearly £40,000,000. It was admitted on all hands that this measure was most incomplete and fragmentary, and the way in which the Government sought to overcome that objection was to invite the House to wait until they saw what they would see and to place confidence in them. The House, however, had but little ground for placing confidence in the noble Lord the Under Secretary for War, who had been the most unfortunate Minister for War that this country had ever been afflicted with. The noble Lord had abolished squadrons in the cavalry, and had reverted to the obsolete system of troops, which had been discarded by every cavalry force in Europe excepting their own, and he had reduced their battalions on peace service to 500 men; and, as they had no reserves, they would find themselves in considerable difficulty if ever they had occasion to go to war, seeing that it would take 10 regiments at their present strength to make up a weak brigade of 2,000 men. Complaint had been made in the other House of Parliament that the greater part of the regiments sent out to India were composed of mere boys. True it was that the Government had undertaken that only those who had reached a more mature age should be sent to that country in future; but the effect of the new regulations would be to injure the home regiments, which would have to receive all the striplings from the regiments about to be sent out, which would be composed of all their best soldiers. The system of short service was at the bottom of the evil, because under it they could only secure the services of mere boys, those who had attained the age of men being unwilling to enlist in the service on the understanding that, instead of being allowed to make it their profession for life, they would be turned adrift after they had wasted in it the best years of their youth.

Under the old system a man served 7, 14, or 21 years, with a pension to look forward to, and without the inducement of a pension they would never raise an efficient Army in England. He regarded the Army Reserve, which had been so much relied upon by the Government in the course of the debates upon that Bill, as being a mere sham and delusion, and he defied the noble Lord to produce the 9,000 of which he said that Reserve already consisted. Having found fault with almost everything the Government had done or intended to do, there was one thing for which he must give them credit. He thought they were entitled to great credit for having increased their artillery force, which was now in a highly efficient condition both in point of men and material. And he thought, moreover, that the provisions in the Bill with regard to railways were excellent. It was absolutely necessary that, in time of emergency, the railways should be in the hands of the authorities. On the whole, he trusted that their Lordships would take further time to consider their scheme by rejecting the measure that night.

THE DUKE OF CLEVELAND said, he desired to offer a very few remarks on the subject before the House. He must decline to enter into the military question, on which he felt he was not competent to give an opinion, and would address himself to the broad principle involved by the Bill. There were two issues raised by this measure—first, the abolition of the existing system of purchase; and, secondly, the re-organization of the Army. The noble Duke opposite (the Duke of Richmond) proposed to put the question of purchase off for a year. But was that a desirable proceeding? It was clear that if this measure were rejected on this occasion the question of the re-organization of the Army must be thrown over for another year; and he asked the House whether, looking around at the general state of affairs abroad, it would be wise to take a step that would prevent their forces being placed upon an efficient footing for so long a period. It was admitted on all hands that the terms now offered to the officers were very liberal—far beyond what could have been anticipated—and it would be scarcely wise on the part of that House, in the interests of the officers themselves, to reject the offer that

had been made them. Many Members of the House of Commons had assented to that offer being made with considerable reluctance, and he was afraid that in the event of its being rejected by their Lordships, those hon. Members would not be prevailed upon again to sanction the expenditure of such a large sum of public money. In fact, he himself entertained great doubts as to the propriety of this large expenditure out of the public purse, and he should prefer seeing the system which had been adopted by Lord Palmerston with reference to the fortifications followed in the present instance with regard to the abolition of purchase. Then, as to the question of re-organization—it had been said that the Government proposed to abolish purchase without giving information as to what their scheme of re-organization was to be. Perhaps that might be true as to what had passed in the other House; but in this House the noble Lord the Under Secretary for War, in his speech in which he introduced the Bill to their Lordships, had fully sketched the entire plan of the Government. It should not be forgotten that the purchase system did not rest upon a Parliamentary footing, and did not rest on Parliamentary sanction, and that if the Government chose to put an end to it, and if the House of Commons chose to vote the money for the compensation, and to attach the Vote to the Appropriation Act, their Lordships' House would be powerless to prevent the change from being carried out. He believed it was necessary that they should have a larger Army than they had hitherto had for the due protection of their shores, and he besought their Lordships to take that question out of the region and scope of party. Whatever the expense, it should be the great aim of all parties to render their Army as efficient as possible. He confessed he had heard with regret the speech delivered on Friday by a noble Earl opposite, who spoke in a strong party sense—in his opinion the subject should be considered altogether irrespective of party feelings, motives, or interests. On the other hand, he had heard with great pleasure the speech of the noble Earl (the Earl of Longford), who had formerly filled the office of Under Secretary for War under a Conservative Government. He thought that speech could not fail to have a most

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important effect on the result. Nothing could be so injurious to the interests of the service as the uncertainty which hung over the subject; and the abolition of purchase having once been proposed by the Government on such favourable terms, it was impossible that that system could be long maintained—no good object could be gained by delaying the settlement of the question—and by passing this measure they would be paving the way for the further necessary reforms in the organization of the Army, and for the framing of a proper scheme of retirement. He believed that a high standard of education was requisite for the officers of the Army; but he doubted whether competitive examination should be made such a *sine quâ non* as some authorities seemed disposed to make it. He knew it had been said that if this Bill were carried it would impose such an enormous expense for compensation and retirements, that the House of Commons would endeavour to meet the additional cost by cutting down the expenditure necessary for the military service. But he thought the House of Commons might be safely trusted to use due discretion as to the means necessary for the security of the country. In conclusion, he implored their Lordships not to throw out that Bill, but to weigh well the advice given them by the noble Earl opposite (the Earl of Derby), who had told them, in a speech marked by much good sense, that it was impossible for them to stand in the way of a measure like the present for any length of time; and the only effect of their delaying its adoption would be to injure the officers, and the Army itself, and perhaps also to throw some discredit upon that House.

THE DUKE OF NORTHUMBERLAND said, that if the Crown were to issue a warrant depriving the officers of the Army, at one stroke, of the money they had paid for their commissions, it would commit a downright robbery, more detrimental to the interests of the country than the value of the sum involved twenty times told. He was ashamed of the argument which had been brought before the House to deter them from doing what was their duty, not to the officers only, but to the public at large. His own vote on that occasion would be founded not on the interests of the officers—which he viewed as a minor matter—but upon the duty which he felt he

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owed to the country. He in no degree called in question the liberality of the House of Commons in voting the sum necessary for recouping the officers for the money they had expended in the purchase of their commissions; but the destruction of the system of purchase brought with it a large number of other important questions in relation to the Army, which were not always understood by those who made speeches that sounded plausibly enough in the ears of the public; but things looked very different when seen through the eyes of those who had witnessed the practical operation of the present system. The subject of purchase had been much obscured by the antiquarian learning which some had brought to bear upon it, and he believed it could be proved that the money originally deposited by officers for their commissions was nothing but a sort of insurance for their good conduct. Such, at least, was the operation of the system under the House of Stuart and the House of Hanover. But, apart from the main question of abolition of purchase, there were numerous smaller points involved. The question the House had to consider was not promotion by purchase merely, but promotion altogether. The illustrious Duke the Commander-in-Chief had given his assent to that scheme on the assurance that a proper flow of promotion would be maintained. But how was that pledge on the part of the Government to be kept? The noble Lord the Under Secretary of State for War had stated that the junior officers ought to remain longer in the service than they did at present before they received promotion. It was all very well, then, to say, in vague general terms, that when purchase was abolished there would be no stagnation in the service; but what were the measures by which such a stagnation was to be prevented? Whatever might be the demerits of purchase, it had, by the avowal of its opponents, been the means of maintaining an Army which had upheld the honour and glory of the British name in every part of the world. The question was not how the language that had been used on the other side of the House sounded now, but how it would sound if the changes now proposed were adopted. In treating of the principle of selection, as proposed by Her Majesty's Government, he must be allowed to quote from

a speech of the noble Duke (the Duke of Somerset) made in 1855, in defence of the system of purchase, as affording the best means for securing a constant succession of young officers in the service—wherein the noble Duke (then Lord Seymour) said—

"They were told that in the Artillery the system of purchase did not exist, while in the Line commissions were obtained by purchase, and that if the two branches of the service were compared it would be found that the Artillery officers were much older men than the officers of the Line. . . . Selection might do very well in time of war, for there was then great power of selection—great opportunity for distinction; and privates, by their valour and good conduct, were rightly promoted to commissions. But that, he repeated, could only occur in time of war. In time of peace the difficulty would be greatly increased. In time of peace he knew what it would end in, for if it was attempted it would end in favouritism. . . . It appeared to him that the main point involved in the Resolution was, that the present system was injurious to the public service; but, before he could vote in favour of such Resolution, he wanted to know what other system could be substituted; and, as yet, no other had been suggested. It was true that it had been said that promotion should go by merit, and not by purchase; but it had not been shown how such a system could be carried into operation."—[3 *Hansard*, cxxxvi. 2131-2.]

If this Bill passed the officers of the Army would be placed in the humiliating position of being obliged to go cap in hand to some person who might be a very good lawyer, or a member of some other profession, but who knew nothing of military affairs, and ask to be allowed to remain in the service of their country and receive promotion; and he asked the Government whether, under such circumstances, and feeling as he did, he thought he could subject the service to which he belonged, which he honoured, and of which he was proud, to such a system? What would noble Lords say if it was proposed to alter any other profession without providing proper precautions and conditions? The noble Earl had truly said that this Bill was a sacrifice to the utter ignorance of a large part of the population. Nor, under their present system of Government, was there anything to prevent one of these men appearing at the head of the profession. There were besides plenty of men in the Army aspiring to high positions who sought reputation through the means of that tremendous instrument—the Press; who were not looked on favourably by their brother officers; and he thought to place such men at the head of the mili-

tary forces of the country to discharge the functions hitherto discharged by the Commander-in-Chief, with the increased power of interference which the contemplated legislation must bring with it, would be anything but advisable. Before he could give up the present system of purchase he must see something better. With the interests of persons connected with the Army they might do as they pleased; but they could not deal in that way with its honours and rewards. The duty incumbent on that House was not that of examining whether officers should or should not be paid a certain sum, but to see that by any act of that House the Army should not be placed in an inferior position either in *morale* or efficiency. With regard to the Reserve forces the same principle should prevail; for under this Bill and the prospective legislation there was great danger that the Volunteer system would fail altogether. It was their duty to see that the service of the country did not suffer by any act of theirs, and therefore he felt he was discharging his duty in giving his vote against the Bill.

EARL FORTESCUE said, he desired to state the views that induced him to support this Bill, which ought, in his opinion, to be judged, not simply by the actual clauses it contained, but also in conjunction with the intentions of the Government. Their original scheme fell short of what the country had a right to expect under present circumstances; but inadequate as it was originally, it had been so truncated, so reduced, in its passage through the other House, that it had come up to their Lordships still more inadequate to the needs of the nation. It had been attenuated to a measure for the abolition of purchase, and it proposed to revolutionize their military system as regarded the officers of both the Regular Army and the Reserve forces. He wished to draw the attention of their Lordships to the deficiency of the scheme as regarded the sanitary condition of the Army—that being a subject which he was the first to mention in Parliament, and in investigating which he had contracted a malady that had destroyed one of his eyes and greatly injured the other. He had, however, never ceased to feel an interest in the question, and he only hoped that the authorities at the War Office were as well acquainted as he with

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the Army medical reports; though he feared they were not, for the Bill fell lamentably short of the requirements pointed out in those reports. With respect to the youth of the recruits, he could not condemn too strongly allowing lads of 18 or 20 to enter the Army. It had been answered that it was impossible to obtain recruits at a more advanced age; but if that was the case the scheme of the Government was seriously defective, inasmuch as it did not recognize the present condition of affairs, and did not make proper provision for the great body of their Regular Army. He regretted that the Bill made no better provision for a system of recruiting. The proposal with respect to Militia barracks was short-sighted and wasteful, and ought to have been incorporated in a scheme for the general defence of the country. It seemed to him that the Government rested contentedly in a state of sanguine benevolence and amiable credulity, unmindful of the state of Ireland and of foreign countries, for they were content with an Army of 147,000 men on paper, assuring the country that the 30,000 of the First Reserve, and 9,000 of the second would, in the course of 10 or 12 years, have swelled to a really formidable force. Looking at the response given by Ireland to the measures of the two last years, and Europe arming to the teeth, he feared the view of Her Majesty's Government was too roseate. It might be asked why it was that he did not support the Amendment of the noble Duke opposite instead of supporting the Bill of the Government, which formed part of a scheme which he believed at best to be inadequate. His answer was that he adopted his present course upon two grounds—from a regard to the public interests, and from a regard to the interests of the officers, whose interests were so deeply involved in this question. He believed that under the present Bill promotion by selection could be carried on fairly and efficiently, and if so carried on it ought to provide the country with officers still abler than those who had hitherto so gloriously upheld the honour of the Army. Questions of administration being more fit for the Executive than for Parliament, he thought the Government, unless altogether superseded, should be intrusted with any powers which they declared necessary, leaving them responsible for

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the results. The evil of leaving the question in suspense had, moreover, been cogently shown. He would appeal, therefore, to noble Lords opposite not to follow the noble Duke, of whose good sense and patriotism they were so naturally convinced, and he felt sure they would hereafter experience as much satisfaction as he felt at having supported the Militia Bill 15 years ago, at the expense of party ties.

THE EARL OF SANDWICH said, he should support the Amendment. It was above all things necessary that the defences of the country should be put in a complete and efficient state, and one great objection which he felt to this Bill was that it would involve such a large expenditure for the retirement of officers that the country would not be in a mood to grant any more money afterwards for rendering those defences as complete as possible. The result would be a repetition of the policy of concession recently displayed towards Russia. He objected very much to the way in which the Militia were dealt with under this Bill;—he thought, indeed, that the Militia, who had always given their services whenever they were required, and who had volunteered for foreign as well as for home service, had been very ill-used for some time past. The best way for supplying the Reserve forces with men was to have long service in the Regular Army, and send the men who came home after a certain period into the Militia. In that way the Militia would procure well-drilled men accustomed to rifle practice—which was a very important matter, inasmuch as modern warfare was conducted not by means of bayonet charges, but by artillery and rifle practice at long ranges. It was absurd to suppose that a man could be taken from the plough-tail and turned out in 28 days as a well-drilled soldier, efficiently instructed in the use of the rifle.

LORD TRURO said, he had been surprised to find that in the course of these debates the real question at issue had received comparatively little discussion. The question of the abolition of purchase was founded upon the other question of the re-organization of the Army; the subject had long been before the country, and the principle and practice of the purchase system had been denounced by a Royal Commission, condemned by all the heads of the profes-

sion, condemned by a large majority of the House of Commons, and condemned by public opinion from one end of the country to the other. ["No, no!"] Well, that was his contention. Public attention having been directed to the subject by the late war, the Government had not waited for any loud expression of opinion on the part of the people, which might only have embarrassed them, but with becoming and proper foresight they had looked into the state of our military forces, and had come to the conclusion that it was necessary to increase them. But the purchase system stood in their way, and it was needful to get rid of it. Since the subject had been before their Lordships the opponents of the Government scheme had taken the most conflicting positions. Some, while admitting that it was a comprehensive scheme, declared that it was without details, some that it had too many and was overlaid with them, and some complained of a lack of information on the question; and one speaker had termed it a naked measure for the abolition of purchase. One objection made to the Bill was that the flow of promotion under it would not be sufficiently rapid; but the Secretary for War affirmed that the flow of promotion would continue to be as rapid as it was now. He himself (Lord Truro) did not attach such high importance to a rapid flow of promotion as some did. Then, as to the question of the instruction of officers, a noble and gallant Lord (Lord Abinger) had asked what constituted a professional officer? He could tell the noble Lord what did not constitute a professional officer; no man was a professional officer unless he went into the Army with a view of training and perfecting himself in his duties. Modern warfare was no longer force opposed to force—in the Army, as elsewhere, it was intellect opposed to intellect, and it was necessary to have officers with better professional attainments of a far higher standard; and it should not be forgotten that the noble and gallant Lord (Lord Sandhurst) and another noble Lord had stated that there was at present great difficulty in finding officers for special service. He had been surprised throughout the debates to hear the question discussed almost entirely in the interest of the officers, so that the public might be led to infer that the

Army was the Army of the officers rather than of the nation; but it had been admitted by the highest authorities that the scheme of the Government was in the highest degree liberal to the officers; and since it was, at the same time, comprehensive and likely to be very effectual in its operation, he did not see how their Lordships could reject it on the ground that it was injurious to the interests of the officers. With regard to promotion by selection, a great deal had been said as to the expediency of leaving that power in the hands of any one individual; but considering that the illustrious Duke (the Duke of Cambridge) had completely won the confidence of the Army and of the public, and that since he had held his high office there had never been the slightest suspicion of partiality or political bias, he was satisfied that the power might be intrusted to him. On the question of enlistment, some noble Lords had expressed a strong preference for a long period of service; and no doubt the Government would have preferred a longer term of enlistment; but it having become necessary to increase the Army rapidly and at moderate expense, they had no alternative but to accept men on the only terms on which they were to be obtained—namely, short service. Should the Bill get into Committee, he intended to move that the Militia adjutants' term of office should expire in three instead of five years, as he had known instances where they had been ineffective. As to the Volunteers being brought under the Mutiny Act, he should like to know how a Volunteer was to be dealt with in the event of his happening to commit himself while out with the Regular forces and to make his escape when the camp was broken up. There were difficulties of that kind which would have to be met before the question could be decided. As to the Bill before the House, he for one should be sorry that a measure which had been passed by so large a majority of the House of Commons should be rejected by their Lordships, and the expectations of the country as a consequence disappointed.

VISCOUNT STRATFORD DE REDCLIFFE said, he wished shortly to explain the reasons for the vote which he intended to give on this important subject. Having listened with great interest to the able speeches which had

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been delivered on both sides, including those of some of their ablest military authorities, on the subject before the House, he derived great satisfaction from having observed the strong feeling which seemed to prevail as to the necessity of re-organizing their Army, and so placing the country in a state of security. He should regret that they should exhibit any negligence of the warnings which they had received from recent events on the Continent, or that they should refuse to make the necessary sacrifices to guard against any dangers which might arise. The question before the House was by no means, in his opinion, confined to the abolition of purchase—although that, no doubt, formed a very important part of the Government proposal. A wider view must, he thought, be taken of the subject; and, looking upon it in that light, he felt bound to say—sorry as he was to differ from those with whom he usually acted—that he regarded the present Bill as most unsatisfactory. If by refusing to support the Bill he should be throwing any obstruction in the way of military improvement, he should reproach himself with taking that course. He could not, however, see that any such consequence would be the result of the rejection of the measure. The question of the abolition of purchase had no doubt its great importance; but those who had professional experience of the working of the present system by no means shared in the objections which were urged against it. It should not, at all events in his opinion, seeing that it had existed for two centuries, be abolished without having a sufficient substitute provided. If it were about to be introduced for the first time he should oppose its adoption, but it could not, after so long an experience, be regarded in that light. Whatever delay might follow from the rejection of the Bill would, he could not help thinking, be small compared with the inconvenience which might result from its passing; and he hoped, be its fate what it might, that the Government would not lose sight of the necessity of efficiently re-organizing their Army.

EARL BROWNLOW said, that the subject embraced two great questions—the abolition of purchase and the system of retirement. The Bill dealt with the former question only, and dealt with it, in his opinion, in a very unsatisfactory

manner; and as to the question of promotion and retirement, the plan suggested by the Government satisfied nobody. As to promotion by selection, the noble Earl who represented the Navy in that House (the Earl of Camperdown) said that the system of selection was the practice of the Navy, and was perfectly satisfactory; but he had never met a naval officer not connected with the Government who was not more or less dissatisfied with the system of promotion in the Navy.

VISCOUNT HALIFAX: My Lords, although the Resolution which has been moved by the noble Duke (the Duke of Richmond) does not mention the question of purchase, it will, I think, be in the recollection of those of your Lordships who have attended to the debate for the last two nights and up to the present time of to-night's debate, that by far the greater part of the debate has turned upon the question of the abolition of purchase. Noble Lords have further maintained that there was no connection between the abolition of purchase and the re-organization of the Army. Her Majesty's Government are of opinion that the abolition of purchase is the first and necessary step for that purpose; but the noble Lords who oppose the Bill have declared that the re-organization of the Army might be effected without abolishing purchase, and that purchase might be abolished without the re-organization of the Army—in fact, that there is no connection between the two questions. It seems to me, therefore, that their position is altogether illogical and unreasoning. They refuse to abolish purchase, because they want to know something more about a matter which they declare to be utterly unconnected with it. It may be right to raise a direct question on the abolition of purchase, or on the plan for the re-organization of the Army; but to make one dependent on the other is entirely inconsistent with the views and declarations of noble Lords who have spoken against the Bill. I shall abstain at this time of night from going into general considerations, and confine myself to those points in the Bill which have been objected to in the course of the debate. The noble Duke (the Duke of Richmond) complains that there is no plan contained in the Bill, and says, with an air of triumph, "That is my case." I should have thought that

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any noble Lord who, like the noble Duke (the Duke of Richmond) was himself a soldier, and who was acquainted with the military system of this country, must have known that the whole organization of the Army depends upon regulations and warrants, and not upon an Act of Parliament. The Mutiny Act and the Bill which limits the period of service are the only two Acts which can in any way be said to refer to the re-organization of the Army. The next objection taken by the noble Duke is that the Government are beginning at the wrong end of the question. The noble Duke says that we ought to have increased the pay and pensions of the soldiers. That has already been done, and the result of the consequent improvement that has been made in the condition of the soldiers is that recruiting has never before been conducted in so favourable a manner. Since the passing of the Short Service Act of last year the increase in the Army has been upwards of 20,000 men, and 30,000 recruits have been obtained without bounty. This result is, under the circumstances, quite unexampled, and it proves that the classes from whom our soldiers are drawn are fully aware of the advantage of entering the military service of the country. It is hardly necessary to touch upon such questions as the state of the stores and the transport service, which have been mentioned in the course of the debate. The recent Report on the transport service during the Expedition to the Red River showed that this Department was in a satisfactory state. Nor will I touch on the questions of gunpowder, the fortifications of London, the establishment of a second arsenal, or other matters which have been recommended. Many of these have been done, others are under consideration; but however important they may be, they do not affect the re-organization of our combatant force. The noble Earl (Earl Russell) recommended the permanent embodying of the Militia. I confess that I was surprised at this proposition. The embodied Militia is a force as expensive as troops of the Line and not so efficient, because it is not available for foreign service. If, therefore, a force to the extent of the Regular troops now at home and of the Militia, taken together, is to be maintained during peace, it would be cheaper and better to increase

the Regular Army. This is the view of my noble Friend on the cross-benches (Earl Grey), one of whose great objections to the Bill is that we increase the Militia, which he considers an useless and expensive force. But I would ask the noble Earl (Earl Russell) whether he thinks that the House of Commons and the country is prepared to vote and maintain permanently under arms during profound peace a force of from 200,000 to 220,000 men, whether it consists only of troops of the Line, or of such troops combined with the Militia? I do not believe that such a proposal would find favour in this country. The noble Earl then found fault with the system of short service and the Reserve, and a noble and gallant Viscount (Viscount Melville) declared that the short service had been introduced merely from motives of economy, and that the Reserve was a delusion. The noble Viscount is entirely mistaken as to the reason for introducing short service. It is the indispensable condition of having an effective Reserve. What we want both in the Army and Navy is the means of suddenly increasing our force of effective men on the outbreak of war. The means of doing this is provided to a certain extent in the Navy by the Naval Reserve, and a similar system has been adopted for the Army. But such a Reserve to be effective must consist of young and active men who have served sufficiently long in the Line to have the advantage of training and discipline, and to be still fit for foreign service, and if your Lordships will reflect for a moment you must see that the short service system is absolutely indispensable to give us a force of that description. I will not enter into the precise period of service. It is now six years. The Act of last year enables the Secretary of State to put men into the Reserve after three years service with the colours, and this power has been recently exercised. It was originally proposed in the Bill to take power to do so after a shorter period than three years. It is asserted that three years' service will not be sufficient. But in the Prussian Army the service with the colours is for three years, and we saw last year what Prussian soldiers, after only three years service, could do. I, for one, do not think so lowly of my countrymen as to believe that what a Prussian can do an Englishman can-

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not do. Another objection is that the number of the Reserves is not large enough. But it is impossible to create a Reserve of such soldiers at once. Noble Lords must remember that the inevitable effect of creating a large Reserve at once by discharging men from the Army would be entirely to disorganize the regiments from which the men were discharged. It is only by the gradual discharge year by year of as many men as can be conveniently replaced by recruiting that a Reserve can be formed without injuring the Army itself. The progress so far has been satisfactory. When the present Government came into office there were only 1,000 Army and 3,000 Militia Reserves; but they have increased until the Army Reserve is already between 6,000 and 7,000 men, and provision is made for its attaining, in the course of the year 9,000. The Militia Reserve has been raised to 20,000, and provision is made for raising it to 30,000 in the year, and if they continue to increase at the same rate the Reserve will soon be a most effective body of men. Short service was introduced only last year, and more has been done than it was supposed could possibly have been done in the time. My right hon. Friend at the War Office has no reason to be disheartened. A noble Lord who considers himself a great military authority (Lord Elcho) said that an entirely different scheme would be far more effectual in establishing a Reserve. But my right hon. Friend has no difficulty in showing that before Lord Elcho's scheme could be brought into operation there would be on the actual system, if it continued to prosper, a Reserve force of no less than 81,000 men. A noble Friend of mine who spoke on the last night of the debate (Earl Russell), said he was ashamed of the economy practised in regard to the expenditure for improving our military force. I must remark, however, that this year the Estimates have been increased to the extent of £2,000,000, instead of being reduced, as the noble Earl assumed. He then anticipated a reduction next year. I really do not know on what grounds he should do so. He spoke of the state of preparation in which all Europe was as to military matters, and compared it with what he considered to be the unprepared state of this country; but I am at a loss to see how this evil will be remedied

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by the proposal of the noble Earl to postpone doing anything towards the organization of our Army for a year. I will now refer to the matters which are mentioned in the Resolution of the noble Duke. I need not say anything as to the appointment of officers, to which very little, if any, objection has been made. The next point is the promotion of officers. The noble Duke commenced his argument against the proposal of the Government by referring to what occurred some years ago, of a great stagnation in the artillery having been partly removed by artillery officers being allowed to sell their commissions to officers of the Line. I confess I should have thought that a stronger instance of the abuse of purchase could not have been given. But my noble Friend must have forgotten that as the system in the artillery is promotion by seniority, and the proposal of the Government is promotion by selection, any proof of the failure of seniority is not even a plausible argument against selection; and the noble Duke gave at the same time a remarkable instance where promotion by selection would have been most valuable. He mentioned the fact that the Duke of Wellington had given the command of the whole of his artillery in the Peninsular to Captain Dickson, a command, I believe, almost equal to that of a general of division. I rather think that this officer was a lieutenant colonel in the Portuguese service; but surely it would have been for the interests of the service if an officer of such ability could have been promoted by selection to a rank in our own service more equal to the importance of the command with which he was so fitly intrusted. My noble Friend near me (Lord Northbrook) has explained very clearly how the principle of selection is to be exercised—namely, by the Commander-in-Chief, subject to the approval of the Secretary of State. In the lower ranks of the Army promotion will, speaking generally, be regimental, in the higher ranks it will be Army promotion; but my noble Friend added that it will be absolutely necessary that selection shall be carried so far even in regimental promotion, as to prevent the system of purchase from springing up again. It appears in the Duke of Cambridge's evidence that purchase cannot be prevented if regimental promotion is continued. It certainly would be most ab-

surd if after paying a very large sum for the abolition of purchase, we so managed our promotion that purchase rose up again in the Army. The two great objections stated to selection are that there will be great difficulty in selecting the proper person to be promoted, and that the practice will lapse into favouritism. I may be permitted to speak with some authority on this subject, as I have had the opportunity of being acquainted with two branches of the service, in which promotion by selection has been the rule. In the old Indian Army the officers in what were called the Irregular regiments, were appointed by selection irrespective of rank; and I appeal to my noble Friend formerly Governor General of India (Lord Lawrence), whether these regiments were not avowedly the best in the service. When I was Secretary of State for India I re-organized the whole Indian Army on the principle of selection for the officers, and your Lordships have heard from the noble and gallant Lord who has been its Commander-in-Chief (Lord Sandhurst) that the Indian Army has benefited signally by that system. I believe, too, that I may appeal to the evidence of another noble Lord (Lord Strathnairn), who has also been Commander-in-Chief in India, as to the advantage of the system of promotion by selection in India. Your Lordships are aware that in the sister service—the Navy—every promotion and every appointment is made by the uncontrolled selection of the First Lord of the Admiralty. I have administered that system myself. I knew what it was for nearly five years when I was Secretary to the Admiralty. I afterwards administered it for upwards of three years as First Lord. I do not for a moment say that it is an easy task; but I do say that there is no insuperable difficulty in it. I will state shortly to your Lordships how I acted. I established, with the able assistance of my noble Friend (Lord Northbrook), who was then my private Secretary, a register in the private office of the services of all officers, which was carefully kept up. Besides the reference to this record I was constantly going over, day after day, the list of officers with my naval colleagues, asking them what they knew of such and such an officer. I had four excellent officers on my Board, selected by my predecessor Sir James Graham. They had

served in different parts of the world, and had a large acquaintance with the service. If they did not know any officer, they could always learn his character by inquiry from the officers under whom and with whom he had served, and it is only from those who are so acquainted with them that you can learn an officer's character. In like manner, if an admiral came to see me, as often happened, I used to ask his opinion of those who had served under him; and I do not hesitate to say that before long I had acquired a competent knowledge of the character of the officers who were in the line of employment or promotion. There may be, as has been said, greater difficulty of selection in the Army; but I cannot believe that the commanding officer of a regiment, if he is himself fitted for such a post, cannot ascertain what the merits and fitness of the officers under him are in the discharge of the duty which they have to perform. With regard to favouritism, your Lordships have heard the declaration of the noble Duke behind me (the Duke of Somerset), and I can say in the same manner that I never remember to have received a recommendation for the promotion or appointment of an officer of the Navy from that official person who is supposed to be so dangerous to the virtue of persons in high office—the Secretary of the Treasury. Noble Lords asked by what checks the selection is to be guarded. I have no faith in checks and safeguards. Place the power of selection in the hands of a proper person, and trust him. Public opinion, and the higher tone of morality of the present day, are the best safeguards that you can have. I have perfect confidence in the impartiality of the illustrious Duke; and I believe that, whether in the hands of His Royal Highness, or in those of a Secretary of State for War, the selections will be impartially made. There is no reason why the Secretary of State for War should be more open to solicitation or pressure with reference to the appointment or promotion of officers than the First Lord of the Admiralty is. Intimately connected with the subject of promotion, as has been stated by the illustrious Duke and by many of your Lordships, is the question of retirement. No doubt but that it is so. The Secretary of State in "another place," and my noble Friend (Lord Northbrook) in your Lord-

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ships' House, have stated that the Government is prepared to give such an amount of retirement as will ensure a flow of promotion about as rapid as is now the case. Her Majesty's Government are pledged to that assurance; but though I entertain a stronger opinion of the necessity of retirements than some of my Colleagues, I quite agree with the Secretary of State for War that it is utterly impossible at present to lay down a scheme; nor, indeed, can there be any need of doing so for a few years to come. Your Lordships must remember that all existing officers will have the same opportunity of retiring, as they have now, by the sale of their commissions, with the certainty of a purchaser at the customary price of their regiment. They will also be able to avail themselves of the present modes of retiring on half or full-pay. If, as some of them anticipate, the sales of commissions fall off in the course of some years, it may become necessary to increase the amount of retirements, and the money which will be saved to the Government by the diminution of what would be paid by them on sales will afford the means of providing the additional retirements. But there really is no ground for the sort of alarm which some of your Lordships have conjured up as to the enormous amount which will be required for providing retirements. A noble and gallant Lord (Lord Abinger) has spoken of £1,000,000 in one year, as stated by the Government, forgetting that the sum of about £1,000,000 is the estimate for the possible purchase of commissions in one year. That, of course, is a payment of capital, not that of the yearly amount of the annuities to retired officers. The estimate of the noble Duke (the Duke of Richmond) of the annual sum required in order to provide for the future retirement of officers of the Army, when the sale of commissions has come to an end, calculated in proportion to the sum required for the retirement of the Marines, was £720,000 per annum. For reasons, which I will give by-and-by, I do not think that a proper estimate can be framed at present; but assuming the noble Duke's estimate, and deducting the present amount paid for retirement—that is, £450,000—the additional sum to be provided will be £270,000 per annum. I do not think that the necessity of providing such a

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sum would frighten the most economical Member of Parliament; and your Lordships may be assured that if when the time comes the country wishes for an efficient body of officers, it will not grudge such an additional amount of retirement; but undoubtedly, if they should not do so, the provision for retirement will not be insured by the announcement of any plan which could now be laid down. It is impossible, however, now to lay down such a plan. We do not know to what extent officers will quit the Army at an early age as now; we do not know to what extent officers incapable of active service abroad may go into the Home and Reserve forces. To a certain extent the scheme of retirement depends on the relative proportion of officers of different ranks, which is not fixed. All these points must be determined before a scheme can properly be laid down. It is absurd to attempt to frame a scheme without sufficient data to proceed upon. In the Navy, where there was ample experience in the matter of retirements, no less than six schemes of retirement for lieutenants alone have been sanctioned in the last 20 years, besides schemes for other ranks. This is, I think, proof enough of the impossibility of at once producing a satisfactory scheme of retirement for the Army. I will not go into the various details of the proposals for amalgamating the Regular and the auxiliary forces of Her Majesty, which have been so clearly explained by my noble Friend (Lord Northbrook); but when noble Lords talk of the mutilated measure, of the abandonment of the main clauses of the Bill as it was introduced, I must remind your Lordships that of the 15 points stated by the Secretary of State for War, on moving the Estimates on the 16th of February, as constituting the scheme of the Government, only three have been abandoned. These are—first, that for shorter service—which, probably, your Lordships will not regret; second, an improvement in the system of Ballot; and third, advancing money, and obtaining land for barracks, neither of which are essential to a re-organization of the Army. That re-organization must be the work of time, in the hands of the Executive Government, and in many points the ultimate arrangements can only be determined upon after some experience. Your Lordships need not

fear that the earnest attention of the Government will not be devoted to this great object. I now turn to the question of purchase. I must observe, in the first place, that the system of purchase is indefensible in principle. The illustrious Duke admitted it to be so. The noble Earl below me (Earl Dalhousie), the noble Earl who spoke first on Friday (Earl Russell), my noble Friend on the cross-benches (Earl Grey), all voting against the Bill, nevertheless declared purchase to be indefensible in principle. The noble Duke (the Duke of Richmond) spoke strongly against promotion by seniority; but the promotion in the English Army is now actually by seniority, provided that the senior officer has money. The noble Duke says that there is a veto on incompetent officers, and considers such a veto equal to selection. I cannot admit that to be the case. A veto may prevent a totally unfit man being promoted. Selection would give you the best man. According to the present rule, an officer may be both the senior and the best officer of his rank, but he will not be promoted, unless he has money enough to pay the purchase money, and this holds good even as to the command of a regiment, when, as the Duke of Somerset's Commission pointed out, the fate of a battle may depend upon the conduct of such an officer. Indeed, a stronger case than that mentioned by the noble Duke (the Duke of Somerset) on Friday can hardly be conceived, when, during war, in the face of the enemy, an officer, whom the Duke of Wellington had selected as the fittest man in his Army to be appointed to the difficult task of bringing into order a regiment which had misbehaved, felt himself under the necessity of declining the offer, because he had not the necessary sum for purchase. If it had not been for the accidental circumstance of a brother officer passing his tent, on coming off piquet, before his letter of refusal had been sent, and contriving to raise amongst his friends the required sum, the King's service must have suffered from the fittest man for an important and difficult post not being appointed to it. Whatever the merits of an officer may be, he cannot be promoted unless he has money. My noble Friend opposite will remember the satire of the Roman poet—

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"Est animus, tibi sunt mores, est lingua fides que
Sed — sex septem millia desunt."

The most meritorious officer cannot attain the command of a regiment unless he has been able to produce the £7,000, which is the price of a lieutenant-colonelcy in the Line. Great complaint was made of my noble Friend (Lord Northbrook) for having used the expression "professional officer," which was declared to be a slur upon the officer. I confess that I cannot understand such a complaint. Is it any slur upon a man that he has adopted the profession of the law, or the profession of medicine—and why should it be a slur upon a man that he has adopted the Army as a profession—has made himself master of his duty, and has qualified himself by study and practice for performing it to the advantage of his country? Such an officer may truly be called a professional officer with honour to himself. There are, no doubt, many young gentlemen who go into the Army for a few years, and who do not intend to make the Army their profession, and who certainly are not professional officers. It has been urged that passing a few years in the Army is a good school for them, and that they are better qualified to discharge the duties which they have to perform in the country, after leaving the Army. I am by no means insensible to these advantages; but I would ask, how is the Army affected by this practice? Is it likely that gentlemen going into the Army for a few years should qualify themselves for doing their duty in the same way as men who make it their profession? In point of fact, it is notorious that they do not. In his evidence before the Duke of Somerset's Commission, Lord West said of the officers who do not intend to remain in the Army—

"They do not dedicate themselves to it, or pay any attention to qualifying themselves for the higher grades."

The Duke of Cambridge, in giving evidence as to candidates for cavalry appointments, said that they did not face the examination; that they were—

"In a condition of life in which it was no great object to them—as there was a risk of being plucked, they think it not worth their while, as they only wish to be in the Army two or three years."

These are what I venture to call unprofessional officers; and the strongest evidence as to the want of proper qualifi-

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cation amongst officers of the Army was given by the noble and gallant Lord (Lord Strathnairn) before the Committee on Military Education, who said—

“The whole of my evidence goes to prove that owing to a mistaken system of education and training, and want of reward for merit, the absence of proper qualification, of course with exceptions, exists in all grades, including that of commanding officers.”

We have been reminded in the debate of the brilliant services of the British Army in all climates and under all circumstances, which no one that I am aware of has questioned for a moment; but I do question the conclusion which it is attempted to draw from this that all the merit was due to non-professional officers. We have been reminded of the glories of the Peninsular War. Was the Duke of Wellington an unprofessional officer? The Duke of Wellington was for six years at a military college, and—with the exception of the short time when he was Irish Secretary—was constantly employed on active service. Your Lordships may remember the account of the pains which he took to ascertain the weight carried by the soldiers, and other particulars, as to his men, when in command on the coast of Kent—and, if ever there was a professional officer, the Duke of Wellington was so. But most of the officers on the Staff in the Peninsular were professional officers. Sir Howard Douglas, in his examination before one of the recent Military Commissions, was asked when the Staff of the British Army was first made efficient? His answer was—

“I think it was highly efficient in the course of the Peninsular War, and very much so in consequence of the number of officers who were appointed at that time, after having passed their examination at High Wycombe, and obtained certificates.”

High Wycombe was then an establishment for military education. He repeats, in a further answer, that the Staff—especially that of the Quarter-Master General—was highly efficient; and he attributes it to their education at High Wycombe. He gives a long list of officers employed with distinction in the Peninsular who were educated there; among whom were Sir George Murray, Lord Hardinge, Sir Henry Bunbury, Sir George Scovell, Sir William Napier, Sir Charles Napier, and others scarcely less distinguished. Surely such officers

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may fairly be called professional officers; and to them, in no small degree, was due the high character attained by the British Army in those glorious campaigns. The main argument, however, which is urged in favour of purchase is that it produces a steady flow of promotion; and maintains in the British Army a body of officers of younger age than in any other Army in Europe. A little consideration will, I think, show that what is really attained in this way is merely this. A number of non-professional officers who never really qualify themselves for the real duty of the Army leave it after a certain time, and are succeeded by men younger, of course, but who, like those who go, never attempt to qualify themselves for the higher ranks of the Army. A Return quoted by my noble Friend (Lord Northbrook) proves this conclusively. It showed that out of 1,000 officers 627 sold out as ensigns, cornets, lieutenants, or captains—that is to say, that as near as may be two-thirds of the officers of the British Army do not think of making it their profession, and it is not likely therefore that they should qualify themselves for the performance of its duties. The noble Duke spoke of the advantage which it gave to non-purchase officers, and quoted a Return to show the small difference between purchase and non-purchase officers in the time of acquiring the rank of lieutenant colonel. The noble Duke was quite correct as far as he went. He stated correctly that in 1870 the time of attaining that rank by purchase officers was 22 years 3 months, and by non-purchase officers was 24 years 9 months. But whoever gave the noble Duke that information only gave him half of what is necessary in order to form a sound conclusion. He ought to have told him that the promotion of the non-purchase officers who attained the rank of lieutenant colonel in 1870 had been very much accelerated by the casualties of the Crimean War. The Return is in the Appendix to the Report of the Commission of last year, and if the noble Duke had looked at the very next column he would have seen that in 1852, after a long period of peace, the purchase officers attained their lieutenant-colonelcies in 21 years 4 months, and the non-purchase officers in 30 years, a difference far greater than what would have been inferred from the noble Duke's

figures. I do not, however, understand why there should be any great change as to officers leaving the Army after the abolition of purchase. Those who go now, go for some reason or another—they become tired of the Army, they marry, or some change of circumstance occurs which makes them wish to leave the Army. On doing so they receive back again the money which they have invested in their commissions. If they have paid nothing they will have nothing to receive on going; but the reasons which induce men to go will remain the same. They will be much richer men from not purchasing their commissions. At present they receive no interest for the money invested in their commissions. The pay of the Marine officer and of the officer of the Line is the same, and the Marines do not purchase their commissions. Now, if the pay of the Marine officer is not more than enough to defray the cost of his uniform, and as a remuneration for his services, it cannot be more than enough for such objects in the case of an officer of the Line. Therefore, an officer of the Line actually receives no interest whatever for the money invested in his commissions. If not so invested, it will, of course, be invested in some other way. Assuming the amount of money invested by officers of the Army at £8,000,000, and interest at 4 per cent, their income will be increased by the abolition of purchase to no less an amount than £320,000 per annum. I confess that I do not see that the officers of the British Army will suffer from the abolition of purchase. It must be remembered, moreover, that the Commission of last year distinctly reported that to whatever extent the purchase system accelerated promotion, it was altogether owing to the payment of over-regulation and illegal prices, and my noble Friend (Lord Dalhousie), who is a firm advocate of purchase, gave in his evidence a decided opinion that over-regulation prices were unjustifiable: so that on his principles there could be no advantage in the way of promotion from the legitimate system of purchase. The system then of purchase is admitted to be indefensible in principle; it is condemned by the Duke of Somerset's Commission; it is defended only on the ground of its collateral advantages, and the main collateral advantage claimed for it depends on the payment which is avowedly

illegal; and, moreover, it is clearly shown that, if you continue the legal purchase, you cannot prevent that which is illegal. Whatever may have been the case heretofore, that illegality is now declared and published to the country. Under these circumstances I venture to ask your Lordships, as fair and candid men, what course the Government should have pursued? Would you have advised them, leaving the regulation purchase untouched, to have put an end to the illegal payments, and so to have deprived the officers of the sums to which we believe them to be equitably entitled? I hardly think so. Would you have had them continue to sanction payments illegal, and which subject those who make them to highly penal consequences? Sir George Grey, the Chairman of the Commission of last year—than whom no man can stand higher for fair and calm judgment—has declared in his place in Parliament such a course to be impossible. I will not refer to the classes described by the noble Earl opposite (the Earl of Derby); but there is a large class of earnest and serious men in this country who would not tolerate the continuance by any Government of a practice declared to be illegal. Your Lordships are not only a legislative Assembly, but the highest judicial tribunal in the country, bound above all men to respect and maintain the law. Would your Lordships have recommended that the Government should sanction a continued breach of the law. I do not believe it. If neither of these courses could have been taken, it only remained to put an end altogether to the whole system of purchase. The regulation price depends upon regulation, which may be cancelled without having recourse to Parliament. A Vote for the indemnity to the officers for regulation prices might be taken in by the House of Commons, as was done on the proposed abolition of the rank of cornet and ensign last year. There remained, however, the illegality of the over-regulation price. Only the same legislative power which made the payment illegal can condone the past illegality, and sanction payment of the indemnity to officers in respect of payments which are illegal. An Act of Parliament is necessary, not to abolish purchase, but to overcome this objection of illegality, and to give the officers the security of a Parliamentary title for the payment of the in-

demnity. For this purpose the Bill now before your Lordships—the provisions of which relating to purchase obviate all objections, and provide security for the just payment of the officers—has been introduced. We have done our part—the House of Commons has done its part by introducing and passing the Bill—and I entreat your Lordships, as guardians of the law, and in the interest of the officers of Her Majesty's Army, not to withhold your sanction from it.

LORD STRATHNAIRN said, that in his opinion the abolition of purchase would inflict a serious injury alike on the Army and on the tax-paying community, depriving the one of an essential guarantee of efficiency, and disregarding the welfare of the non-purchase officers, and throwing on the other an onerous and unnecessary burden. As regarded the provisions of the measure, the details were so meagre that he would reserve his opinions regarding them, but as to the Bill generally, he would trouble their Lordships with a few observations. He feared that it would inflict a serious injury upon the regimental system, which he agreed with the illustrious Duke (the Duke of Cambridge) in regarding as the backbone of the Army. The abolition of purchase and the adoption of selection were the main features of the measure. One part of the statement of the Under Secretary of State for War met with his cordial approval—namely, that all reports respecting officers were to be communicated to the officers. But he entertained the strongest objections to what he felt to be the principle of the Bill—namely, that the power of judging of the merits and demerits of officers—in short, the fate and career of those officers—were to be placed in the hands of the Secretary of State for War and the Commander-in-Chief. The Secretary of State for War was a great political element, with a great political bias, and although they had been told that the principle of selection worked admirably well in the Navy, yet they heard counter statements on that subject in every direction, and that loud complaints were made of favouritism and partisanship in regard to naval appointments. The evidence of the Commander-in-Chief before a Royal Commission was that His Royal Highness could not administer the command of the Army under a system of selection, so great was the pressure from

without. Official documents and debates in Parliament proved the ascendancy of the War Office over the Commander-in-Chief—for the Commander-in-Chief was not a political chief, but unfortunately was under the ascendancy of the War Office. It was also proved that there had been a disregard on the part of the War Office of the repeated declarations in favour of the soldiers' rights, and that there had been conflicts between the War Office and the Commander-in-Chief on that subject. He would leave their Lordships to judge whether the Commander-in-Chief was likely to be able to defend the rights of the officers against the War Office more successfully than he had been able to defend those of the soldiers. He (Lord Strathnairn) was himself no partisan of purchase or of over-regulation prices; but he thought that the present system, like some other of our anomalous institutions had worked well in practice. Among other advantages of the purchase system was that it was a means of preventing that great bane of all Armies, stagnation of promotion, by encouraging the retirement of the inefficient, and introducing an infusion of young blood into the ranks. It also insured a liberal provision for all meritorious officers, and was especially valued by non-purchase officers who were mentioned in despatches for gallant conduct in action, or who had done other good service, but who from the hardships they had undergone in campaigns, and especially in tropical climates, were no longer fit for duty. By it also they obtained for the Army the services of officers who exercised over their men the double influence of gentlemen and of officers—officers who had been trained in our public schools and accustomed to manly sports, all engendering more or less an honourable spirit of emulation, and a disregard of danger. Again, the system of purchase disseminated through the country officers who, after passing through the Army, retired to country life, and who formed excellent materials for service in the Reserve forces in the event of emergency. It had been objected to purchase that it was an aristocratic system; but that was a strange delusion, because its very name pointed to an element of wealth and not of rank. [*Cheers.*] He did not know that an aristocracy meant the wealthy. Another misrepresentation was that the pur-

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chase system inflicted the greatest injury on the non-purchase officer; but the disadvantage of being passed over by a junior was more than compensated to the non-purchase officer by material sets-off incident to the system—for instance his promotion was accelerated by the removal of the purchasing officer who intervened. Then purchase provided an officer with an honourable pension at the end of his military career, or with a capital to fall back upon in case he chose to retire from the service. Another mystification lay in the allegation that the purchase officers were not sufficiently educated. That was a singular objection, because Her Majesty's regulations directed that there should be instruction and examination for all officers, whether purchase or non-purchase. Nothing was more unjust than to tax purchase officers with neglect of their education. In a recent debate he (Lord Strathnairn) had the honour of submitting statements to their Lordships proving that strategy, without which efficient and successful service was impossible, did not form part of the education of our Army, and he added that the fault was not the fault of the officers, because they were anxious to learn strategy, but that of the War Office, which had not provided them with that instruction. The noble Lord opposite (Viscount Halifax) had quoted him as representing that their officers were not sufficiently instructed, but he had forgotten to state that he had put the saddle on the right horse—that was to say on the War Office. The non-purchase officers had in every respect qualifications equal to their brother officers, and anyone who was acquainted with the Army must have found it difficult, if not invidious, to draw a distinction between them, and if the authorities at the War Office would devote themselves to the instruction of officers they would compare with those of any other country. Considering the question of purchase in its relation to the taxpayer, it was evident that the taxpayer was the gainer by purchase, and would lose by its abolition, and the popular dissatisfaction with the scheme was manifested by the diminishing majorities which had supported the Bill in its passage through the other House of Parliament. It was evident that the Government felt themselves in a dilemma from the ex-

pense of their scheme. He thought they would find that they had no alternative but to fall back upon the pension system. The War Office seemed to have forgotten their statement of last year that there should be no interference with the long service pensions. It should be remembered that these pensions were the greatest safeguard against discontent, and that the soldier, in the midst of all his vicissitudes, was consoled by the recollection of the happy home to which at the end of his service he could retire, and of the independence it would enable him to enjoy. To give the soldier a lump sum of money would be of no service to him—such an arrangement was contrary to the policy of all Governments.

THE DUKE OF ARGYLL: My Lords, the tone of the speech of the noble and gallant Lord who has just sat down (Lord Strathnairn) is no exception to that of most of the speeches which have been delivered during this long debate against the propositions of the Government. Almost all those speeches have been more or less directly in defence of the purchase system. There was, indeed, one conspicuous exception to that rule, and I wish—to use my noble Friend's own expression—it had been an exception "conspicuous by its absence." The exception was the speech of my noble Friend who sits on the bench below (Earl Russell); and I should deem it hardly consistent with the respect, I should say the veneration, and, if he will allow me to add, the personal affection which I feel for him, if I passed over that speech without some allusion to the arguments which it contained. The noble Earl told the House, in the first place, that purchase was dead and gone. He said he did not require to be converted by the able and conclusive speech of his noble Friend the Under Secretary for War, who preached to an already converted man; and the noble Earl went on to say that so utterly indefensible did he conceive the system of purchase to be that it only required a Government to make a declaration against it in order to secure its immediate downfall and destruction. The noble Earl, in the second place, informed the House that, in his opinion, when purchase was abolished it would be absolutely necessary to treat the officers with the greatest liberality as regards compensation;

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and then having gone into some matters which I venture to say were wholly irrelevant, such as the loss of the *Captain*—which to my astonishment he ascribed to the parsimony of the Government—his plan for a permanent embodiment of the Militia, and various other matters that had no reference to the question before the House—he returned to the purchase system with an argument to this effect—that whereas £8,000,000 was to be voted by Parliament, and that sum he thought was fully due to the officers, it must effectually prevent any further Army expenditure, and therefore he gave the House to understand that he was against the proposal of the Government. Having first declared himself against the purchase system, and having next said that the expense was so great that it must prevent every other Army reform, my noble Friend argued himself into a *quasi* defence of purchase, and concluded by saying that, after all, he might be willing to concede that if another scheme were devised by the Government the abolition of purchase would do no great harm. This was a strange conclusion to a speech, which begun by saying that purchase ought not to be retained, and that the system was so rotten and indefensible in principle that the first Government which gave it a push must send it overboard. My noble Friend then quoted, apparently with approbation, the noble Earl's (the Earl of Derby's) alarming statement, that at any time 100,000 men might be landed on the shores of England. Having next grossly misquoted my right hon. Friend (Mr. Cardwell) about the principle of drilling in the Militia, my noble Friend concluded his speech by saying—"I ask for more time." More time! When he tells us that at any moment we may be invaded by 100,000 men he seeks to throw impediments in the way of the Government re-organizing our forces. My noble Friend talked of the plans of the Government being twilight. I venture to say that his speech was utter chaos—darkness brooding on the face of the deep—because my noble Friend, after so many confused and contradictory objections to our plan, did not himself make one practical suggestion for the defence of the country, except that of the permanent embodiment of the Militia. Are we then to dawdle and delay in the steps we are to take for the

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re-organization of the Army until the noble Earl and my noble Friend on the cross-benches (Earl Grey) have settled between them whether the Militia is to be wholly demolished, or permanently embodied?

I pass now from my noble Friend to the vast majority of noble Lords who have spoken openly and avowedly in defence of purchase. There has been one remarkable feature in their speeches. I must make one exception—my noble Friend and countryman Lord Dalhousie. I admired his speech exceedingly. It was a manly, straightforward speech in defence of purchase—the speech of a man who had all the zeal of a Covenanter for that most sacred cause. But every one of the other speakers, beginning with the noble Duke (the Duke of Richmond), said they did not pretend to defend purchase in theory or principle, and some of them said it was utterly indefensible in theory. Even my noble Friend (the Earl of Dalhousie), who declared that purchase had never been successfully attacked by any "stumper," was obliged to add in a sort of whisper, "except in one or two points." Now, what is the theory or principle which you admit to be indefensible? Nothing is commoner than for a man who knows the cause to which he is attached by mere force of habit cannot be defended at the bar of reason, to escape under some convenient admission, "theory," or "abstract principle," which, in many minds, are almost opprobrious epithets. What do noble Lords opposite mean by saying they do not defend purchase in theory? I suppose they have a meaning, though perhaps they have never questioned themselves as to what it is. In the first place, to look at purchase in its external aspect as compared with other institutions, I suppose it cannot be denied that it is a system wholly exceptional. It does not exist in the Navy, nor in any other Army in the world, nor in the scientific parts of your own Army. It is a system which you confess you would never have thought of introducing; and, lastly, it is a system, which as now practised, is illegal and contrary to law. Now, these are facts which you cannot deny. [The Duke of NORTHUMBERLAND interposed a remark.] My noble Relative did not hear the words I used, or did not understand their exact force. I was

speaking of the system of purchase as it is now practised, of which over-regulation prices are an essential element. ["No!"] I am not speaking on my own authority in saying that the over-regulation price is an essential part of the system, and cannot be disentangled from the regulation price, for it is pointed out by the Royal Commissioners that the two are inseparable. It is obvious that when you allow men to bargain for a valuable commodity and do not interfere with their bargain, you cannot practically regulate the price that will be paid—they may pay the regulation price overtly, but behind your back they will make what additional bargain they please. Now, in the second place, how shall we define purchase in itself without reference to other institutions? The noble Duke was very indignant at its being called a system of promotion by money, not merit. I do not wish to adopt any term implying anything in the nature of a prejudice; I wish to use language, in so far as I can, which noble Lords opposite will recognize as a fair representation of the facts—I say, then, that purchase is promotion by seniority qualified by money. Again, it is promotion, I will not say irrespective of merit, but irrespective of comparative merit. The senior officer who has the money has the right, and whether he be a man of superior merit, or a man of very inferior merit, is a matter of pure chance. That was a definition of purchase which he thought would open the eyes a little of noble Lords opposite, when they said that purchase was indefensible in point of theory or principle. It was a system of promotion—carried up to the command of regiments—by seniority qualified by money, without any reference to comparative merit. I was delighted to hear the noble Duke defend purchase by the assertion that it was perfectly compatible with a system of selection. My noble Relative (the Duke of Northumberland), too, said he had known many instances of promotion by selection. But what becomes, then, of your assertion that selection is an evil? You cannot both denounce it as an evil and claim it as a merit. If you claim it as a merit, you are giving your assent, although you do not seem to know it, to the principle that the command of regiments ought to be given by selection.

If that principle be right, how could they contend that the principle of this Bill is wrong? What, however, was the noble Duke's attempt to show that selection exists in any practical form? He said—"Is there not the veto? The Commander-in-Chief would immediately reject the man who was unfit for the command of a regiment?" Now, a veto, no doubt, will enable you to forbid the entrance of a man notoriously incompetent, but it does not enable you to select the best man, nor does it enable you to reject even a very inferior man. ["Oh!"] I have my authority—the Report of the Duke of Somerset's Commission. Referring to the veto, it says—

"Under the present system an interference of that sort is a measure which, it is stated, would only be resorted to in an extreme case. It might save a regiment from being placed under an officer notoriously unfit; it would not confer the command on the officer acknowledged by all to be the best qualified for such promotion."

Moreover, do you not know that the veto has fallen into almost entire disuse? ["No!"] No? I am sorry the illustrious Duke (the Duke of Cambridge) is not here; but here is his evidence before the Commissioners. Answering a question—"At present," he said, "there is the power, but it is not exercised." Further questioned by Mr. Sidney Herbert, he said there had been no instance of its exercise in his time, and he thought not in Lord Hardinge's time, and, in answer to a further question, he added—"I think it would be extremely difficult to exercise it now."

THE DUKE OF RICHMOND: I am sorry to interrupt the noble Duke, but I can state of my own knowledge that within the last two years there have been cases in which senior captains have been informed that they could not be recommended for majority, and they have taken the hint and sold out of the Army. I cannot remember the names now, but in a day or two I can supply them to the noble Duke privately.

THE DUKE OF ARGYLL: I do not for a moment deny that if an officer is notoriously of such bad temper with regard to the management of his men, or so notoriously inefficient in other ways that it would be a perfect scandal to allow him to command, the veto can be silently exercised; but I say it is not exercised to prevent the assumption of commands by men who are compara-

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tively inferior, and even very inferior. I say, moreover, that a veto is incapable in its very nature of supplying the place of selection. You want for the command of a regiment the best man you can get; but unless the veto is exercised *toties quoties* until you get the man you want—which is obviously impossible—it is fallacious to assert that the veto fulfils in any degree the place of selection. My noble Friend (Lord Northbrook) has just informed me that he sent to the Horse Guards, to the Military Secretary, to ascertain whether during the last five years there had been a single case of veto, and the reply was that there had been no veto in the case of a lieutenant-colonelcy for the last five years. Now, my Lords, I will give you a third definition of purchase. My noble Friend (Lord Northbrook) excited vehement objurgation by describing the purchase system as a spider's web of vested interests. I believe, however, offence was not taken at his saying it was a web, but at his calling it a spider's web, because a spider is an unpopular insect. Now, I drop the spider, and say that the purchase system constitutes the Army one vast web of vested interests. Is it possible to deny that? You have from £8,000,000 to £10,000,000 invested by some 5,000 or 6,000 officers, and does not that necessarily imply an intricate system of vested interests? It is impossible to touch the Army system at any point without touching the vested interests which officers have acquired. A right hon. Friend of mine (Mr. Goschen), using at the Mansion House an epigrammatic phrase which had been used before, described the purchase system as such a system of vested interests that it made the Army the officers' Army rather than the Queen's. That is literally true; for so enormous are the money interests invested in the Army that you are unable to alter the regulations in any point without the risk of touching the pecuniary interests of the officers. I will give your Lordships some examples. Three years ago it was proposed by a Tory Government to abolish the rank of cornet and ensign. My right hon. Friend (Mr. Cardwell) adopted their proposal on the subject; but was immediately confronted by the question of over-regulation prices. I do not know whether the proposal was a wise one or not, but it was, at all events, a very

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small proposal, and it is enough for the purposes of my argument to show that, small as it was, the change could not be made without running our heads against the difficulties of the purchase system. Let me take another case. There was, I believe, in 1854, a Royal Commission, which reported in favour of introducing some principle of selection in the case of appointments to fill the position of colonels in the Army. One of the first officers, promoted to that rank on account of his distinguished services, and not on account of his seniority, was my noble Friend the noble Earl opposite (the Earl of Longford) who spoke early to-night, and who declared his intention of voting in favour of this Bill. This, however, was complained of by colonels in the Guards and others, as interfering with their vested interests. Another Commission was held and the system was withdrawn; and I believe my noble Friend was post-dated in consequence of its being supposed that his appointment on account of distinguished services interfered with the claims of seniority and purchase. Now, these are two examples which show that you cannot touch our Army system without running your heads against purchase. I wish, in the next place, to say a word or two with respect to the impediments which it throws in the way of other changes. In doing so, I hope I shall not say a word which could be considered as in the slightest degree offensive to the military profession. No one, perhaps, has fewer military instincts than I have; but perhaps all the more on this account do I admire the virtues of the military character, and I should be sorry to say anything which would hurt the *esprit de corps* of any noble and gallant Lord in this House. I shall avoid, therefore, drawing a distinction which has been so vehemently objected to as invidious during this debate, between professional and non-professional officers. I will take the definition which was given by a distinguished officer to-night to the effect that a man who joins the Army for two or three years only might, in a comparative sense, be looked upon as a non-professional officer, and I wish to see the effect of purchase on the education of the Army—because the idea has been ridiculed that purchase throws any obstacle in its way. It was, I believe, held by the Duke of Welling-

ton—though I have never seen the opinion in writing—that he required no other education for an officer than the ordinary education of an English gentleman. That is a very intelligible opinion; but I think I have heard noble Lords opposite themselves admit that war is now carried on under new conditions, and that it is now desirable that our officers should be educated in a degree more nearly approaching what are called the scientific branches of the Army. I can very well understand the argument of noble Lords that purchase does not interfere with the raising of the standard of education for officers as high as we please. [“Hear!”] Well, I admit the truth of this. But then there is another objection. Did we not hear the noble Marquess opposite (the Marquess of Salisbury) say the other day, in reference to another subject, that high education meant money? High education means expensive education. That being so, you will require those officers to have a much more expensive education; you must add that expense to the expense of purchase, and your choice will in consequence be limited, inasmuch as the total expense of joining the Army will, as a consequence, be increased. To the price of a commission will be added the expense of education; and I say, therefore, that although purchase will not prevent a higher education, it will limit your choice, while the power of wealth in the Army will be increased. But I have another objection to the system. Noble Lords opposite contend that a mere test examination does not make an officer. Of course not; but your purchase system interferes with promotion by professional merit; and thus whilst it increases the expense of entering the Army, it prevents professional proficiency receiving its proper reward afterwards. Several noble Lords have expressed great astonishment, and have even treated with great ridicule, the notion that purchase can interfere with the amalgamation of the Militia and the Line. Now, I am not a professional man, and there are many points connected with this subject which I do not, of course, profess to understand; but there are at least some difficulties connected with this point which it is not very hard to indicate. Let me suppose that you want to give more commissions in the Line to Militia officers, will not

the purchase system interfere with that intention? There are a certain number of commissions without purchase, but the number is only very limited. At present you have not commissions enough without purchase to meet the demands of the Education Commissioners, together with the young men who have passed through Sandhurst. If, therefore, you want to give a larger number of first commissions free to young men from the Militia, you must have a greater number at your disposal. How are you to get them? I suppose you must apply to the House of Commons for the purpose; but if that be so will you not, Session after Session, be raising the whole of this question of purchase, and do you suppose that the system could survive such an ordeal? Do you suppose you can every year go to the House of Commons and ask for new commissions for the Militia? I am astonished that this difficulty did not present itself to the noble Lord opposite. Then, there is another difficulty. My noble Friend (Lord De Ros) who spoke so excellently with respect to the Army, told us our true system was the formation of double battalions. Now, again I say that purchase interferes with the adoption of that plan. You must either form double battalions out of the existing *cadres*, or by creating new *cadres*. If you divide the *cadres* you affect injuriously the interests of the officers; but if you increase the number of *cadres* you are increasing the ultimate cost against the public whenever purchase may come to be abolished. It is all very well for noble Lords opposite to believe that purchase will be permanent; but we who are satisfied that, sooner or later, it must be abolished know that if you increase the number of *cadres* you will be increasing the burdens which the public will eventually have to redeem. I would say, therefore, to noble Lords opposite who admit that purchase is not to be defended in principle, that they will not be allowed to get off by the use of such vague expressions in this House, and that they will be brought to book by more critical assemblies. Unless you can defend the purchase system by argument, when the public come to know as they must know—and I wish to use nothing in the shape of claptrap, nor make any appeal to popular prejudices—that the system is

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by your own admission indefensible, you will find that it will be impossible to maintain it. I counsel you, then, to give it up in time. What is the use of fighting for a system which all men of intelligence know to be dead and gone? What is the use of prolonging the contest in favour of that system, when you yourselves confess that we now propose to abolish it by means of a scheme which gives liberal and ample compensation to the officers? My Lords, having now argued against the Motion of the noble Duke as regards its substance, let me now direct attention to other objections founded on its form. My noble Friend takes care not to commit himself to a Motion in favour of purchase, and the form of his Amendment is very singular in its terms. It is entirely and intentionally evasive on the subject of purchase. But I do not object to that. The Motion acknowledges that changes in the system of first appointments, promotion, and retirement are necessary to place the military system of the country on a sound and efficient basis. Well, that is precisely what we say. You might have defended purchase as an almost perfect system; but what do you mean by saying that a great scheme is required for first appointments, promotions, and retirements? I am glad you admit that a new scheme for first appointments and promotions is required, and so far we are agreed. The noble Duke, however, did not treat with common fairness the plan which was set forth by my noble Friend, and a noble Duke (the Duke of Rutland), who spoke on the second night of the debate, asked—"Where, on earth, did you get this scheme? You must have gone to the pigeon-holes of Mr. Cardwell's private apartment and made it out in that way." But it does so happen that every single part of this scheme was announced by Mr. Cardwell in the House of Commons. The noble Duke evidently did not know that, but it was his duty to know it, and the duty of every one of your Lordships to know it, when it was stated in the House of Commons. What was the course taken by my noble Friend? Did he say that the scheme was so general and so vague that he could not understand it? Not at all. He said it was so minute in detail that he was not competent to enter into it, and he declined altogether to discuss it. This is not a fair way for the

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noble Duke to deal with the proposals of the Government when he makes a Motion which implies that there is no scheme at all. That is to make an assertion absolutely unfounded. I say that the scheme of the Government is perfectly definite on everyone of the heads embraced in the Amendment of my noble Friend—with one exception which I shall immediately notice. My noble Friend the Under Secretary for War announced, and so did Mr. Cardwell, his scheme for first appointments, for promotions, for the amalgamation of the Army and Militia, and other things which were necessary for the re-organization of the Army. You are not bound to approve that plan, but you are bound to acknowledge the fact that it is a plan—and infinitely more effective than any plan you have, for you have none whatever. The plan of Mr. Cardwell is perfectly definite—quite as definite as any plan could be on first appointments, on the mode of promotion, and on the general principle on which he intends to amalgamate the Militia and the Line. It is perfectly clear, but you have declined to discuss it. There is one part of the scheme actually in the Bill before us, and I do not know a more signal instance of the rash, careless—I would almost say ignorant—mode in which the matter has been discussed than that in which it was dealt with by one of the most competent Members of this House. I mean my noble Friend the noble Earl on the cross-benches (Earl Grey). How did my noble Friend treat the proposal for transferring the granting of commissions in the Militia from the Lords Lieutenant to the Crown? He said—"I am a Lord Lieutenant. This power of granting commissions is a bother to me, and if the Government wish to take it away I have not personally the least sort of objection;" and then he passed on from the subject, no doubt intending to impress your Lordships with the idea that the matter was one of extremely small importance. That conduct on the part of the noble Earl was exactly the same as if, when some years ago the scheme for the amalgamation of the Royal and Indian Armies was before the House, some of your Lordships had said this is only a Bill to prohibit the Government of India from enlisting a few men. And this would have been true. That was all that was required to be

done by law. But the whole question of the amalgamation, which was one of the largest political questions ever discussed and settled in Parliament, was a matter of executive arrangement after the Bill had passed. That was precisely the kind of ignorance and carelessness my noble Friend displayed when he treated as a small matter this clause prohibiting Lords Lieutenant from giving commissions in the Militia; for it is quite impossible for the Militia and the Line to be amalgamated, if you allow commissions to emanate from two different authorities. No doubt the two authorities are generally in harmony with each other; but we had an instance the other day in which a noble Lord—the Lord Lieutenant of a south-western county (Lord Vivian)—came to an open quarrel with the War Office on this very subject. That noble Lord was no doubt acting under a sense of public duty in what he did, but so was Mr. Cardwell; and that shows that if you are to have an amalgamation of the Line and the Militia in any sense whatever you must have the commissions issued from one authority. That is a most important point therefore; and now, after so many Members of your Lordships' House have declared that we are in a state of disorganization, and that we are liable to be invaded at any moment by an Army of 100,000 men, I say this—that you are throwing a deliberate impediment in the way of providing for the public defence, if you refuse to read this Bill a second time, if it were only for this clause for the amalgamation of the Militia and the Line. There is one question I wish to ask. I have listened during the whole of this debate with great attention and anxiety to know whether noble Lords who object to our scheme have any counter scheme of their own to put forward. The noble Marquess (the Marquess of Salisbury) says he will give the famous answer of Sir Robert Peel—"I am not going to prescribe until I am called in." But when you are called in what will be your prescription? Many noble Lords opposite are in entire ignorance; they require a little further "education." I know very well what they would do. Mr. Disraeli would call them together and tell them that as regards this question of purchase those Whigs and Liberals had so "meddled and muddled"

that purchase could not any longer be maintained, and noble Lords opposite, under the educational rod of that great wizard, would be found coming down to this House and proposing the abolition of purchase. But there are many noble Lords opposite who do not look to office like the noble Duke, and, therefore, they speak their minds with perfect openness. I have tried to find whether they have anything definite to suggest on the subject of Army reform, and I have not heard a single scrap or suggestion of any kind as to what is to be done. It is all what is called "destructive" criticism; there is nothing constructive in it. What have you been telling us the whole of these three nights? That seniority will never do; that selection is perfectly impossible, as it would be all under the influence of the Treasury. ["Hear!"] Well, I suppose that no human being would propose that purchase should be introduced into brigade commands or district commands. Well, if it would be such a folly to give the command of 2,000 or 3,000 men to a man who could get it by the chance of purchase, where is the common sense of giving the command of a regiment of 1,000 men on the purchase principle? Do we not know that the fate of a battle and the destiny of an empire may depend on the conduct of a single regiment?—and do you not know that a Royal Commission containing the most eminent men have told you that it is essential to the efficiency of the British Army that at least as regards lieutenant-colonelcies you ought to abolish purchase? My Lords, I do not deny that there may be some difficulties in selection, as in every other public duty. But I cannot understand the doctrine that these difficulties are so insuperable. I have had to select officers, with the assistance of His Royal Highness, for considerable command in India. I know the process that is gone through in selection, and what is it? His Royal Highness places before the Secretary of State four or five names. He says that such and such an officer is senior officer, and, if command were to go by seniority, this is the man. Such and such another officer has seen very distinguished service; he is not senior officer, but he has peculiar aptitudes for the place. Such and such another officer is an excellent officer, but he has certain defects of temper which

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rather unfit him for command. Such and such another officer has such and such a qualification, and after full discussion the Commander-in-Chief and Secretary of State decide who is to be the man. Now, do you think the Duke of Cambridge ever asked me, or that I ever asked him, what are the politics of A or what are the politics of B? Why, I should be ashamed to put such a question. I say such a question is never put, and never will be put so long as the principles of honour remain what they are in this country. I say, why should you not act as regards the command of regiments in the same way that you act as regards the command of districts? The noble and gallant Lord who has just sat down (Lord Strathnairn), on being examined before the Royal Commission, was asked this question—

“Then would you make promotion depend on the half-yearly reports of the inspecting officers, and upon the examinations which an officer passes?” and said, “I would some, but not all. You do not think that any heartburnings would occur in the Army if a selection of officers for promotion were made by the Horse Guards?—I think not. I never experienced any disagreeable results. I told the officers they did not come up to the standard of the present day for the selection of officers for the Army. I told them there was nothing against their character, but that promotion had been confided to me, and that I was obliged to do to this trust the fullest justice.”

These are the principles on which selections are now conducted in the Navy and other branches of your service, and in all the higher branches of your Army. I have only one word to say in complaint of any speech that has been made by any noble Lord opposite in the course of this debate, and that is the speech made by my noble Friend the noble Earl who spoke last on Friday night (the Earl of Carnarvon.) I was very much surprised at the extreme vehemence—I may say the violence—of his language with regard to this Bill. I forget all the epithets used by my noble Friend, but some of the choice words he used in speaking of this Bill were “absurd, futile, and abortive.” The only explanation I can give of the violence of my noble Friend is his own—namely, that he has read everything that has appeared for the last two or three years in reference to this subject, for I am sure that if I had gone through the same labour I should not have any wits left. I am not surprised, therefore, that my noble

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Friend, who, from the beginning of this Session has been telling us we have no Army, no guns, no Reserve, no gunpowder, should now have backed all these warnings by saying that he would give a vote which would impede the Government in the re-organization of the Army. The last point to which I shall address myself is one connected with the form of this Resolution, which I feel quite sure has not struck my noble Friend the noble Duke opposite. The Resolution to which he asks the House to agree is this—that the House is unwilling to legislate until it has laid before it for discussion the full plan of the Government with regard to the re-organization of the Army. I have very grave objections to such a Motion. The law and Constitution of this country place the discipline and organization of the Army in the hands of the Crown. With the exception of the Mutiny Act, and other great statutes, it is not the habit of Parliament to interfere. The House of Lords is asked for the first time in the constitutional history of this country to declare that it will not proceed to legislation, even although legislation is required, until the Crown has laid before it in detail for its discussion and vote the plan of the Government with regard to the re-organization of the Army. Although the Resolution is vague, the speech of the noble Duke left nothing vague. He told us distinctly the plan of the Government must be embodied in the Bill. I venture to affirm, on the contrary, that this is unconstitutional. It is the duty of the Government, I fully admit, to give every explanation to Parliament of the plan which they have for the re-organization of the Army; but it is equally the duty of the Government, which they will discharge, to defend the prerogative of the Crown. We do not intend to put these details in the form of any Bill. And I ask your Lordships, what is the example that you are setting the House of Commons? Whatever powers you assume, do you not suppose they will be assumed by the other and stronger House of Parliament? And what would you say if, in defence of some policy which you highly disapprove, the House of Commons were to come to a vote, and say—we will not pass any Bill for the organization of the forces until the Government has submitted to

us all its regulations for the discipline of the Army? My Lords, you would then have at once a Parliamentary Army—an Army under the direct control, in discipline and organization—the direct vote of the House of Commons. This would be the direct result of the wording of the Resolution. I admit that the noble Duke conducts the Opposition in this House with perfect straightforwardness, but this Resolution has been framed with considerable acuteness for the purpose of catching votes. Let me now sum up in a few words some of the objections which I have to this Resolution. This Resolution is disingenuous, because it conceals what is your real object, which is to defend purchase. It is a self-contradictory Resolution, because it affirms certain needs of the Army, which needs you wish to impede the Government from supplying. Next I say it is not a constitutional Amendment, for the reasons which I have brought before the House. Lastly, I think it a suicidal policy, because it will commit the House of Lords to a system which they know cannot be maintained, and to a contest in which they must be defeated. For these reasons, my Lords, I will not, and I cannot, believe that this Resolution can be accepted by a majority of this House.

THE MARQUESS OF SALISBURY: My Lords, there is a satisfaction even at this time of night, and this state of the temperature, in following such a speaker as the noble Duke (the Duke of Argyll)—among other reasons, because when we have listened to his exhaustive speech, passing in review every objection that occurs in his ingenious mind as tenable against the Resolution of the noble Duke behind me, we may be sure that nothing has been omitted from it which could be maintained, and that every argument that he has passed by is practically condemned by the Government he represents. I am glad, therefore, to notice that the tendency that was apparent in some speeches to which we have listened in the earlier stages of this debate, to endeavour to carry this Bill by depreciating the officers of the Army is no longer perceptible. We no longer hear the Army described as a species of preserve for money-lenders of a low class, and that colonels are no longer described as losing all their influence over their men by dangling them up in order to sell them like a flock of

sheep. I will give the credit to the Government of saying that in calmer moments there is no one on the Treasury bench who would use such an argument as that, and that it was only in the heat of unreflecting partizanship, imported from a foreign land, that such a degrading assumption could have emanated. I will, therefore, assume that it is not necessary for me to defend the character of the British officer. But I should like to make another assumption—and that is, that it is not necessary for me to defend the interests of the British officer. It appears to me that, by a strange forgetfulness of our proper functions, this debate has been made to turn upon the question, whether or not this Bill will be for the interests of the British officer. I have the greatest possible respect for the British officer, but I should demur to the idea that all we have to do in considering an Imperial measure is to inquire how it would affect his interests. I should also ask whether the British officer has really anything to fear from the acts of the Government or of Parliament in this matter? I confess I never heard anything more insulting to Her Majesty's Government or to the House of Commons than the suppositions that have been uttered freely by the advocates of the Bill upon this point. The advocates of the Bill outside Her Majesty's Government have held it up to us as an argument for our anxious consideration that if we do not pass the Bill the officers would not get such good terms offered them on another occasion. What does that argument imply? Why, either that the Government are robbing the country in order to buy off opposition, or that they intend in future to rob the officers in order to gratify their spleen. Either supposition implies considerations which are inconsistent with the honour of the House of Commons or with justice. We know with what jealous vigilance the proposals of even a Government pledged to economy are regarded by the House of Commons, and no such Government would have ventured to have proposed to that House an expenditure not absolutely required by justice; and I am confident that under no petty feelings of spite would that House deny to individuals one tittle of that compensation to which they are justly entitled. It seems to me, therefore, idle to discuss this question upon the ground

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that the next time such a measure as the one now before us is introduced the officers will not get such terms as are now offered to them. If the terms are not just they would not have been offered now; and if they are just they will be offered next time. But, besides the Government and the House of Lords, another body has been introduced into this debate. They have been differently described. The noble Viscount (Viscount Halifax) has spoken of them as "earnest and decided men"—while the noble Earl (the Earl of Derby) has spoken of "half-educated and uneducated men;" but the suggestion is that, however anxious the Government and both Houses of Parliament may be to pay to the officers that to which they are justly entitled, they will find that there is an insuperable objection that this should be done on the part of the constituencies of the country. We have heard an opinion expressed of the constituencies of the country by the noble Earl who sits on the bench behind me. He ought to know something about them, because he had a great share in creating them, and he ought to be satisfied with his own work. He describes them as being half-educated, or as some being half-educated and others not educated at all; that they are prepared to believe that there is an office in existence where captaincies and colonelcies are sold to the highest bidder. But, unfortunately, according to the noble Earl, their intellectual deficiencies, however great, are not to be compared with their moral deficiencies; because, according to his statement, they would rejoice in any plausible pretext that would enable them to spoliage those whom they regard as rich men. If that is the character of the mind that is to animate the constituencies of this country I can only say God help the public creditor—because my impression is that he will be the first person to suffer from this desire of the constituencies to spoliage the rich upon the first plausible pretext. But such considerations appear to me to be out of the sphere of our deliberations altogether. If it be true that we are to live under the rule of ignorant and rapacious men we had better cease this mockery of legislation and this pretence of statesmanship and morality. If we cannot decide these things on the ordinary grounds of morality and political prudence, do not let us attempt to decide

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them at all. But if—as I believe it to be the case—the constituencies of this country are capable of being informed of the reasons that have convinced Parliaments and Cabinets, and if we can show them that we have been actuated by grounds of morality and of prudence, then I do not think that we need fear their decision. For these reasons it does not appear to me to be necessary further to enter into the question as to the prospects of the officers as affected by our action with reference to this Bill, and I prefer to discuss it on an altogether larger ground. Whatever may be their prospects there are others of even still greater importance that we have to consider in the matter. Those who represented the officers in the other House of Parliament took care to ascertain their views upon the matter, and I may confidently state, from information I myself have received, that the feeling of the large majority of the officers is opposed to this measure—still I will not ask the House to come to a decision on the grounds of the prejudices or preferences of any individuals. We have been told by speaker after speaker on the opposite side of the House—and markedly by the noble Duke who has just sat down—that the question to be decided is that of purchase or no purchase. The noble Duke taunted us with defending in practice what we admitted to be indefensible in theory. But what I understood to be meant is something of this sort—If we were all thrown on a desert island, and had to set up a new Constitution, we should not be likely to include the purchase system of the Army within that Constitution, and that is what we mean by saying that purchase is not to be defended in principle. I am not sure that, under such circumstances, we should even set up a House of Lords, nor am I sure that the noble Duke himself is an institution who would be set up in a desert island. But in every nation that has a history there are institutions which have grown up, and enwoven themselves in its political consistence—

"Grown with its growth, and strengthened with its strength,"

which in power, value, or efficacy for good far surpass those mere paper institutions which may be devised upon the soundest possible principles, and put into an Act of Parliament of to-day;

and such is the position of the system of purchase. I have made these observations because the noble Duke attached much importance to the controversy about purchase itself. Just before the close of his speech he practically told us that by hesitating to abolish purchase we are preventing the supply of gunpowder to the Army. How he can connect these two things together it is impossible for me to discover. But I venture to deny that purchase is the issue before your Lordships to-night. It may be good, or it may be bad; but it is not the matter on which we are about to go into the lobby. What I say is that purchase is here, and that it does two important things for us; and, before you destroy it, we desire to know how these important things are to be done for us in future. I may not like my house, but before it is knocked down I should wish to know what other kind of house I am to have in its stead. You may think a particular street is inconvenient; but before you stop it up I should like to know what is the street I am to go through in future. Purchase does two things for you—it procures for you an easy Army retirement and a pure system of promotion; and before abolishing it we ought to know how these essential objects are to be otherwise attained. As to the cost of retirement, it is not for me to-night to go into figures. We have heard vague estimates of the cost. One Gentleman places it at £2,000,000 sterling; another at £200,000. Between these two extreme limits every variety of computation is made. But one thing has struck me on this matter. In these violent disputes about figures we are accustomed to look to the Government, who have the means of information, to tell us what the sum to be actually expended really is. Almost every speaker has ventured upon a theory of his own; and, although the Government have been good enough to argue upon the theories of other people, they have abstained, and with a care almost miraculous, considering the number there were, from committing themselves to a single figure of their own as to the cost of retirements in future to the country. The illustrious Duke (the Duke of Cambridge) told us how important this question of retirement was; he told us, in effect, that purchase was a system of retirement; and that his own very qua-

lified support of the abolition of purchase turned entirely upon the assumption which in his official position he was bound to make, that the Government were able and willing to secure an easy flow of promotion. But what are the probabilities of the case? We are in no official position, and are not bound to make such an assumption, or to assume that anything a Secretary of State may say is quite correct. The question is, what are the chances that a future scheme of retirement will be provided. It will be costly; taking the mean of the estimates given, it will not be less than £1,000,000 a-year. Do you think the House of Commons will furnish that sum willingly? What has the course of the House of Commons in respect to legislation been? You must not conceal from yourselves that you have the feeblest Executive and the slowest Legislature in the world. I do not regret that. To the feebleness of the Executive we owe our liberties, and to the slowness of the Legislature we owe our institutions. But still there these qualities are, and you must take them into account when you consider what legislation you are to expect. Well, you will have this large sum to raise. Hitherto the Government have been successful in carrying some of their measures through the House of Commons, and very unsuccessful in carrying others; and if you carefully classify their measures you will find that they cannot carry much through the House of Commons unless they are fortunately able to appeal to the hatred of class against class, or creed against creed. I do not mean to say they desire to do that, but that it is the necessity of their position. Those measures they are able, with considerable difficulty, to pass through the House of Commons; but where in that House the Government have no such motive power their legislation is very slow. Well, you will have £1,000,000 sterling to be provided for getting rid of purchase, and another £1,000,000 for retirement; and you will have the Chancellor of the Exchequer, when he reviews his resources, considering what may be the political force necessary to enable him to carry this scheme into effect. The Dissenters do not care for Army retirement, and the Democrats do not care for it, and he will not be able to appeal to the two forces which have hitherto lent such valuable aid to

[Second Reading—Third Night.]

the Government. On the other hand, his resources are limited. Those are only the lucifer matches, the agricultural horses, the income tax, and such-like things; and when he has gone through his list, and asks himself how he is to pass his Budget through the House of Commons with these £2,000,000 in it, is it not possible that some tempter may say—"What if you put off retirement altogether for a year; and what if you put it off for the year after that also?" When will you ever find that happy year in which the Chancellor of the Exchequer will be able, without incurring unpopularity, to throw any £2,000,000 on military retirement. You must not take refuge behind convenient official fictions. The Government say—and no doubt sincerely—that they mean to carry a scheme of retirement; but you would imagine that Governments have never failed—never departed from their pledges. You must look to the possibilities of the future, and I venture to say that if you were to start from the very good scheme of retirement which you have now, without knowing thoroughly and without having embodied in an Act of Parliament the scheme which you intend to substitute in its place, you will run a great risk of plunging the British Army in the greatest of all dangers it can incur—a stagnation of promotion. My Lords, I think there is a still more serious danger—namely, the one alluded to by the illustrious Duke, who told us that it would be possible to carry out the principle of selection if it was always administered by a person who was superior to all sorts of political pressure. How long, my Lords, do you think you are likely to have a Commander-in-Chief of that kind? I earnestly trust it may be at least as long as the life of the present occupant of that office. But how long beyond that? Have you not heard the cries of the demagogues and the stump orators who rule the councils of the Government already raised against the existence of a Commander-in-Chief, especially a Royal one? How long are you to hope that the office which is to be the solitary security against the dangers of corruption will be maintained intact by a Government that has already yielded so much? We had a great display of innocence on the first night of the debate. The noble Lord who brought

forward this Bill (Lord Northbrook) thought it perfectly horrible to imagine that any military office in the gift of the Crown should be gained by favouritism; and that is very much the tone adopted by the noble Lord who was Commander-in-Chief in India. It is pleasant to be able to maintain such illusions at the ages at which those noble Lords have arrived. But I should like to put them through a little cross-examination, and ask them whether they had ever heard of offices being given to supporters of the Ministry of the day—whether they did not know that the thing had been done in every public office, and to such an extent that you were obliged to adopt the system of competitive examination? That is a most rough and blundering safeguard; but its very roughness and blundering character testifies to the soreness of the evil it is intended to remedy. We might almost go further, and ask them if they had ever heard of honours being distributed on a similar principle—whether they had ever heard of a Government "whip" getting a baronetcy, or an engineer or solicitor getting a knighthood;—or, in fact, whether they had ever thought it possible that throughout the whole range of Crown appointments the principle of rewarding those who had supported the Ministry should not obtain considerable preference. Why, my Lords, the thing is the vice of all popular Governments. Where Ministers have places to give away and desire support, and those who have support to give away desire places, a bargain must necessarily be carried out. In every popular Government there must always be the danger that the power of the Minister to give places will be in exchange for the power of the voters to give support. I earnestly sympathize with the Utopian views expressed by noble Lords opposite, and I hope that a day may come when these things may not be. If it should ever happen that offices are given indifferently to those who differ from the Government in politics—if it should ever happen that great party sacrifices are no claim to Ministerial appointments—if it should ever happen that peerages are given to Members of the Opposition, or that bishoprics are given to those who did not support the Government, and that no Bishop considers that industrious and almost slavish partizanship is necessarily

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the reward of that promotion—if that Utopian age should come, then I grant that you may establish promotion by selection in the Army. Do not tell me that these are the evils of aristocratic institutions. We have advanced far, but America has gone much before us, and has shown us at once the advantages and dangers of such a course—and we know how great are her evils and sufferings in respect to patronage. We know that the system of disposing of offices of all kinds as rewards of political action is a great blot on her political system, and the great danger to her political career; and we may be sure that if, as seems likely, our institutions are in the progress of time assimilated to hers, the evil which is pressing her will press us also. Therefore do not imagine that any political changes you may contemplate will at all diminish this danger, for we warn you now that if you make all the officers of the Army the subject of selection, the danger of political bias and intrigue will vitiate the selection, and act far more dangerously in the choice of an officer than any accidental result from the purchase system. My Lords, I will not further detain you; I confess that the more I look at it the darker the prospect seems to me. We have heard the system about to be proposed as “seniority tempered by selection.” I am anxious not to say a word that should imply that any thought of impure political action rests in the minds of the present Government. I entirely join in the phrase which my noble Friend who opened the debate uttered on that question. I know the Secretary for War is not a man who would ever stoop to such conduct as that. What I am speaking of is the system, not the men. If you talk of “seniority tempered by selection,” I fear that you will find the more correct formula would be “stagnation tempered by jobbery.” I am afraid of the ranks of grey-headed and discontented subalterns commanded by the brothers and sons of persons who have made sacrifices for their party. My Lords, the Army has not deserved this of you or of England. It is an Army which, be its faults what they may, has at all times and under all circumstances done its duty to its country. Whatever you may say in praise of the recent exploits of foreign nations, they have not distanced the exploits which

your own Armies have done in times past. If the Prussians have conquered Napoleon III. and Paris, your Armies have conquered a greater Napoleon and Paris in like manner. To your Armies is due the existence of the civilization of which you boast, and the institutions under which you live are due to their gallantry; and when the memory of its benefits was fresh, men did not grudge the gratitude which such exploits would naturally call forth. When the memory of Waterloo was fresh among us we never heard that colonels could not influence their men, because they were sold like a flock of sheep. Such an expression as that belongs to a time of peace, when men have forgotten the great benefits which the Army has conferred on its country. My Lords, I have said that the Army has not deserved this at your hands—I will also say that if the House of Lords has one duty more emphatically its own than any other, it is to correct hasty and imperfect legislation; and this measure is confessedly hasty legislation, because it is legislation that was adopted owing to want of time. The Bill, as originally introduced, was perhaps imperfect; but it was seemly in its proportions; but as time went on everything was cut away that might impede its progress. Nothing was kept except what would catch the democratic breeze—everything else was thrown overboard. Confessedly the measure was adopted because there was no time for anything better; confessedly it was hasty and imperfect in its formation. My Lords, against such legislation it is your function to protect the country. You are free from the influence of constituents, you can form an independent judgment, and you appeal not to the approval of men of this time, but to the approval of men of all times as to the conduct you pursue. I am sure that you will not abandon the Army for the impotence of combined senility and corruption. I am sure that you will not balance for a moment against any such danger the fear of any wretched ebullition of obloquy falling from yourselves, and of attacks being made on the institution to which you belong. I am sure that you will refuse—for the mere convenience of a Minister, and the necessity of having something passed in order to redeem the barrenness of a useless Session—to sacrifice that Army which

has done so much for you, and which has shed so much glory on the history of the country. By so doing you will only confirm the House of Lords in the affection and the esteem of the country.

EARL GRANVILLE: My Lords, in the course of this debate attention has been called to one of the Standing Orders of your Lordships' House; but there is another Standing Order which I think might well be brought to our recollection by the speech of the noble Marquess. If I remember rightly it is to the effect that in debates no personal comments or charges shall be made. I had not the slightest intention, however, of directing the Clerk at the Table to read that Order, though I am not perfectly sure that what has fallen from the noble Marquess did not come within its terms; for had I taken such a course I should have deprived your Lordships of one of the greatest intellectual treats—namely, hearing how far one of the ablest men in this House can go in sarcasm and invective—particularly when, I think, he feels himself a little weak in argument, to oppose to the most conclusive speech I ever heard—that of my noble Friend beside me (the Duke of Argyll). My Lords, be that as it may, I protest against the opening sentence of the noble Marquess, who rejoiced that the Treasury bench had at last abandoned the degrading argument of depreciation of the British Army and of British officers. Now, I deny that one word of such a character has been uttered from this bench; and I retort on the noble Marquess that every word which has been said, attributing the merit of the British officer to his having a certain sum of money to enable him to buy commissions, is an insult to the Artillery, to the Engineers, and to the Navy itself. I should like to know, for instance, whether the Marines are disloyal and mutinous, and whether their officers do not command their respect? Indeed, if anything depreciatory of the British officer has been said, it has been said by others, and not by those who sit on the Treasury bench. The noble Marquess, in the course of his speech, poetically described purchase as an institution which, in connection with the British Army—

"Grows with its growth, and strengthens with its strength."

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But, strangely enough, he omitted to quote the first line of the couplet—

"And yet disease, which must subdue at length."

My noble Friend (the Earl of Dalhousie) who was formerly Secretary for War told us in the course of the debate how delighted Lord Hardinge once was when he showed him the plans and reports that had been drawn up by the officers of two of the smartest regiments in the service—the Guards and the Rifles—after they had been on a military promenade. No doubt this was very creditable to those officers, and I believe we have a growing class of them; but do you suppose that Marshal Moltke would exhibit a pride and satisfaction he never displayed before if he found that some of the most competent officers in the Prussian Army were able to make sketches and report in the same manner? The fact is, my Lords, as the Education Commission stated, that in routine duty and drill the British officer is probably superior to the officers of any other Army, but they add that on all other subjects connected with the general operations of war they are less perfectly educated than the officers of other Armies. Whatever education you give, it is impossible that a man entering the profession for a few years only, and who does not intend to make it his career, will apply himself to the study of that profession as others will do who are resolved to make it the business of their lives. Many people go into the Army with no intention of remaining in it; and they never can become perfect soldiers; and by encouraging young men so to enter, I believe the purchase system to act most injuriously. Many of your Lordships send your sons to the Inns of Court to go through a course of useful study; but do you imagine that these young men really master the law like those who intend to become barristers and Judges? The thing is impossible; and in the same way with regard to the want of education in the Army which everybody admits. A noble and gallant General (Lord De Ros) who spoke last Thursday night, spoke with indignation of hearing the Prussian officers so praised and ours so dispraised—a natural feeling for him to entertain; and when he went on to say he knew both, I expected him to say that the English officer knew the details and the theory of his profession as well as the

Prussian officer; but not a bit; all he said was that, taking them as animals, the English officer was as fine an animal as the Prussian officer. If that question were put to me, I should answer in the language of the Irishman to the Socialist, who asked him whether one was not as good as another? and I should say—"Aye, and better, too." But I believe that to all those natural advantages, you must add the stimulus of competition and the reward of merit. With regard to the difficulties of retirement, the noble Marquess did not in the least degree deal with the explanations of the Lord Privy Seal. Why should we deceive Parliament, why should we deceive ourselves, by pretending to act upon *data* which we do not and cannot possess? When the noble Marquess spoke of our spending £1,000,000 a-year for the redemption of purchase, and another £1,000,000 a-year for retirement, I cannot believe that he speaks the conviction of his own mind. The noble Marquess has denied that the question in this debate is that of purchase or no purchase; and I can only appeal to your Lordships' recollection of what you have heard. True, there were some speeches of an exceptional character as to this issue, but they were sufficiently damaged by what the noble Marquess said. When men so eminent as the noble Earl on the cross-benches (Earl Grey) and my noble Friend at the Table (Earl Russell) furnish examples of those who leave their friends to take an unusual course, I think it is due to them we should inquire into the statements they make. I must say, with regard to my noble Friend on the cross-benches, I am surprised at the vote he is going to give. I had heard from many quarters that he had said a few days ago he could conceive no course so foolish and so impolitic as to throw out this Bill.

EARL GREY: I never said anything of the kind. I said, as I said the other evening, that I saw the difficult consequences to the Army that would result from rejecting it.

EARL GRANVILLE: I entirely accept the contradiction and explanation of my noble Friend, and I apologize for having in the slightest degree misrepresented him. At the same time my astonishment is not diminished. With regard to the objections of the noble Earl (Earl Russell) to our plan for the abolition of

purchase, it would be impossible for us to produce a plan in which the two noble Earls could agree, because they were diametrically opposed upon all points except one, and with respect to that they were inaccurate. They said we had taken away pensions from soldiers—a fact, if it be one, of which I am perfectly unaware; I believe they remain, and are intended to remain. [Earl Russell denied that he had made the statement.] I am bound to accept the noble Earl's denial; but I have ears, and I think what I have said will be found reported in the speeches of my noble Friends. At the same time my noble Friend was so carried away by the fumes of incense from a quarter whence he had not been used to receive them, that he said at the end of his speech the opposite of that which he said at the beginning, and therefore it is not surprising he said something he did not understand. My noble Friend's speech really amounted to an expression of want of confidence in the Government as regards the conduct of military affairs; and if he entertains that want of confidence, he is right in trying to turn us out; but I think it is a mistake, seeing that we have such a considerable majority in the other House, to prevent the carrying of a scheme for the re-organization of the Army. The noble Earl differs from the noble Earl as to purchase and also as to the Militia; but great as is the authority of the noble Earl on political matters, I do not recognize his authority on the question of the Militia. The noble Earl as Prime Minister in 1851, when we had 40,000 fewer Regulars than we have now provided by the penurious parsimony of the Government in which he has no confidence, left us without any Militia at all; the next year he introduced a Bill proposing a local Militia, for which a general Militia was substituted on the Motion of Lord Palmerston; and my noble Friend and I were turned out of our places in consequence of that vote. The noble Earl then opposed Lord Derby's Militia Bill, and he now opposes our Bill, which will give as many Militia as the House of Commons will vote, with a great prolongation of practice, wishing to substitute an embodied Militia, which is more expensive than Regular troops, displaces labour more, and obliges you to re-enlist the very men

you have now. The noble Earl has no confidence in the Government because Mr. Gladstone has put at the head of the Poor Law Board a right hon. Gentleman of great reputation in Parliament and in the country, who held one of the highest offices out of the Cabinet under the noble Earl's own Administration. Your Lordships must have gathered from the noble Earl's statement, that the right hon. Gentleman took a very exceptional view of the necessity of economy with regard to our national defences in 1862, and that by another Resolution, in which he himself had a principal hand, he entirely defeated the right hon. Gentleman's designs. Now, it is true that Mr. Stansfeld moved a Resolution in the House of Commons to the effect that, consistently with the safety of the country at home, and the defence of its interests abroad, the Army and Navy Estimates should be reduced. Possibly, though I do not know how that may be, he was encouraged to do that by phrases about "bloated armaments" which had been dropped about that time; but I would direct attention to the fact that a meeting of the Conservative party was held, at which Mr. Walpole was directed to propose a Resolution as economical as Mr. Stansfeld's, if not more so.

THE MARQUESS OF SALISBURY: That is incorrect.

EARL GRANVILLE: It certainly was announced in the papers, but if the noble Marquess says there was no meeting—

THE MARQUESS OF SALISBURY: There was a meeting, but not on that subject.

EARL GRANVILLE: Then it appears there was a meeting of the Conservative party, and that subsequently to that meeting Mr. Walpole proposed his Motion. Well, what was the character of the Resolution? It praised economy almost in Mr. Stansfeld's words, and it expressed the satisfaction of the House at the reductions which had been made in the Estimates, with a strong wish that further reductions, as far as they properly could be made, should follow. The logical result of that Resolution was that the very next year the Army Estimates were reduced to £2,000,000 below those of this year, taking away what is necessary for the abolition of purchase. Those Estimates were proposed by what the noble Earl thinks a parsimonious Go-

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vernment, at the risk of losing the support of many of their political friends. It is difficult to conceive that such a statement could have been made as the motive for a vote against his political friends, and one likely to influence others. A noble Earl opposite (the Earl of Carnarvon) taunted us with having no independent support in favour of the Bill—an extraordinary statement, bearing in mind the support of the late Commander-in-Chief in India, of Lord De La Warr, and of the noble Duke formerly at the head of the Admiralty (the Duke of Somerset) to which we attach much value because it was made in a calm, judicial spirit, not in that of a heated partizan. We attach great value to their support, and, in reply to the noble Duke's question, though declining to give a pledge for the Government to forget economy, which I am sure he would not wish, I may state most positively that the War Office, aided by the Government, will, with all speed, proceed with all their strength and energy to carry out the plan so fully laid before the House and the country. The noble Marquess did not attach much value to the noble Earl (the Earl of Derby's) remarks on the "uneducated democracy." Now, there were one or two charges in them with which I did not agree; but the noble Marquess has certainly described the aristocracy and the public men of this country in a manner much more insulting. Was there no merit in the speech of the noble Lord the late Governor General of India (Lord Lawrence)—a speech in every characteristic unlike that of the noble Marquess—simple, full of matter, conclusive—the more valuable because it proceeded from the experience of a man who has seen the working of the Army almost every year of his life, both in peace and war, and with equal knowledge of that course of literature which has been described. The noble Marquess said we were not discussing whether to abolish purchase or not. But what is the alternative—seniority or selection? The noble Marquess shakes his head at both, showing what I have before said—that his object is to maintain purchase. Now, I can understand the principle of a man about to take reins of office not prescribing his policy till he comes in; but if he thinks with the noble Earl that we are perfectly impotent for defence and attack, and does not think himself likely

to take our place immediately, it would be only reasonable for him to make some small suggestions as to what should be done. I entirely repudiate the character he gave of public men and his language about jobbing. I believe that we have immensely improved since former days, when Members of the House of Commons used to receive guineas in their pockets. The noble Earl says—"Have you not been obliged by a system of open competition to strengthen yourselves against being obliged to exercise your patronage in favour of your political friends in civil offices?" But what has that, I should like to know, to do with the present question? I admit that Governments as they succeeded each other are apt to give first steps in public offices to their political friends; but I certainly deny—and this is the gist of the matter—that my Colleagues in their promotions in any of those offices were actuated in the slightest degree by political considerations. The noble Marquess spoke of curacies having been given away, and I may mention that I last autumn received a letter complaining that it was very hard that Mr. Gladstone should have given two livings in succession to two persons who had been most active in electioneering for the party which was opposed to him. The remarks of the noble Marquess on this point were therefore, I confess, unintelligible to me, considering that he himself is one of the most high-minded men of whom I know anything in public life. The noble Marquess spoke of what it was wise of this House to do; and I agree that you are not to be guided by the interests of any one class, however gallant or distinguished. I do not say that the class interest of the officers ought to have no influence upon you. He says they cannot be influenced by anything you do to-night. I will not argue the case, for it has already been argued on both sides of the House, and by the noble Earl opposite, who did think there was danger to them. The danger will not come from the action of the Government if they can help it; but I cannot understand him when he says that the advice of a most moderate and able statesman, who was at the head of a Royal Commission, was to have no weight, being as it was to the effect that, after the decision of the House of Commons, the illegality of over-regulation prices could not be con-

tinued. As to the course which this House ought to take, I feel some embarrassment in giving an opinion. The noble Marquess may say that we on this side are in a miserable minority; and I believe our normal state is that there is on the benches opposite a majority of from 50 to 70, although it is true that on one or two occasions the noble Marquess was unable to count on the whole of that majority. Well, be that as it may, I do not know that I should prefer anything in a party sense, so far as the Government is concerned, than that they should appear to the country to be engaged in a struggle in which they are perfectly certain to be victorious—that is to say, in the endeavour to remove abuses which, although I admit quite erroneously, are supposed by the vast majority of Englishmen to be connected with the class interests of this House. Beyond that I beg to state for myself, as I believe I once said before, that there is no one who has the interests of this House more nearly at heart than I have. There is, I believe, hardly any man who owes so much to this House. I have always received in it almost unexampled indulgence from my political friends, while I have met with unfailing forbearance and kindness from noble Lords opposite. I have many personal friends on both sides. And I certainly am not of opinion with the noble Marquess in thinking that the House of Lords is an institution which would not at this time be set up if it were not already in existence.

THE MARQUESS OF SALISBURY: I said on a desert island.

EARL GRANVILLE: I admit that—but I think it takes away the value of the argument in respect of purchase, because if we were on a desert island there would be no necessity of arguing about purchase, for there would be no candidates for commissions. But I was about to say—as one who has the strongest interest in this House—it is impossible for me not to recall what its history has been since the passing of the great Reform Bill. There is no doubt at that time its power and influence were much diminished, and those of the House of Commons much increased, by the wider basis on which the representation of the people was then established, and by the fact that the rotten boroughs possessed by some of your Lordships were done away with. Two very remarkable men have

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since directed its deliberations in its opposition to Liberal Governments. One was the late Lord Derby, the other the Duke of Wellington. We all know what a brilliant ornament Lord Derby was to this House, and how marvellous were his powers of debate. We also know that, although the Duke of Wellington was not a great scholar or a man possessing a particularly cultivated mind, he was one of the most eminent men this country ever produced—a man as highly endowed with political and moral courage as with bravery in the field, where he won so many battles. But in the seven years following the Reform Bill the House of Lords grew in strength and credit under the particular policy which was then inaugurated; and if subsequently it declined in influence, that happened under the auspices of one of its most brilliant leaders; for while Lord Derby took every opportunity of opposing the measures brought forward by Liberal Governments, and while incited by his own genius to attack their policy, his victories were, I believe, but sterile triumphs; whereas it was the policy of the Duke of Wellington to avoid as far as possible coming into collision with the other House of Parliament; and when he did agree that the moment for attack had come he chose an opportunity like that afforded by the Appropriation Clause, and the results of his victories lasted 20 years. I think there is something worthy of your Lordships' consideration with regard to the policy of your Lordships' House. First of all, not unnecessarily to put yourselves into collision with the House of Commons; and, secondly, also to reflect whether it is not desirable that when you do so you should feel somewhat assured that your Lordships will be sustained by the opinion of the country, and that you will be able to secure your victory in some tangible form. I beg your Lordships' pardon for the presumption with which I have brought these remarks to your Lordships' notice; they are given in all sincerity, and I can only thank your Lordships for the attention with which you have received them.

On Question, That the words proposed to be left out stand part of the Motion? Their Lordships divided:—Contents 130; Not-Contents 155: Majority 25.

Resolved in the Negative.

Then Motion, as amended, *agreed to.*

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Hatherley, L. (<i>L. Chancellor.</i>)	Belper, L.
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Devonshire, D.	Brougham and Vaux, L.
Saint Albans, D. [<i>Teller.</i>]	Calthorpe, L.
Somerset, D.	Camoy, L.
Sutherland, D.	Carew, L.
Ailesbury, M.	Carrington, L.
Anglesey, M.	Castletown, L.
Camden, M.	Chesham, L.
Lansdowne, M.	Glandeboy, L. (<i>L. Dufferin and Claneboy.</i>)
Ripon, M.	Clermont, L.
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Airlie, E.	Dacre, L.
Camperdown, E.	De Tabley, L.
Cathcart, E.	Dunning, L. (<i>L. Rollo.</i>)
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Clarendon, E.	Ebury, L.
Cottenham, E.	Eliot, L.
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Powerscourt, V.	Ponsonby, L. (<i>E. Bessborough.</i>)
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Beaufort, D. Strathmore and King-
 Buckingham and Chan- horn, E.
 dos, D. Vane, E.
 Manchester, D. Verulam, E.
 Norfolk, D. Westmoreland, E.
 Northumberland, D. Wilton, E.
 Richmond, D.
 Rutland, D.
 Wellington, D. Combermere, V.
 De Vesol, V.
 Gough, V.
 Hardinge, V.
 Hawarden, V. [Teller.]
 Hill, V.
 Hood, V.
 Hutchinson, V. (E.
 Donoughmore.)
 Melville, V.
 Stratford de Redcliffe, V.
 Strathallan, V.
 Temeletown, V.

Abergavenny, E. Abinger, L.
 Amherst, E. Arundell of Wardour, L.
 Annesley, E. Aveland, L.
 Bandon, E. Bagot, L.
 Bantry, E. Bateman, L.
 Bathurst, E. Bolton, L.
 Bradford, E. Boston, L.
 Brooke and Warwick, E. Braybrooke, L.
 Brownlow, E. Buckhurst, L.
 Cadogan, E. Cairns, L.
 Carnarvon, E. Chelmsford, L.
 Chesterfield, E. Churston, L.
 Dartmouth, E. Clanbrassill, L. (E.
 Denbigh, E. Roden.)
 Eldon, E. Clifton, L. (E. Darnley.)
 Feversham, E. Clinton, L.
 Graham, E. (D. Mont- Colchester, L.
 rose.) Colonsay, L.
 Grey, E. Colville of Culross, L.
 Harewood, E. Conyers, L.
 Hillsborough, E. (M. Delamere, L.
 Downshire.) De l'Isle and Dudley, L.
 Howe, E. Denman, L.
 Kellie, E. De Ros, L.
 Lanesborough, E. De Saumarez, L.
 Leven and Melville, E. Digby, L.
 Lucan, E. Dunboyne, L.
 Mansfield, E. Dunmore, L. (E. Dun-
 Manvers, E. more.)
 Mount Edgcumbe, E. Egerton, L.
 Portarlington, E. Elphinstone, L.
 Poulett, E. Fisherwick, L. (M.
 Powis, E. Donegal.)
 Radnor, E. Fitzhardinge, L.
 Rosse, E. Fitzwalter, L.
 Rosslyn, E. Foxford, L. (E. Limer-
 Russell, E. rick.)
 Sandwich, E. Gormanston, L. (V. Gor-
 Selkirk, E. manston.)
 Shrewsbury, E. Grantley, L.
 Strafford, E. Grinstead, L. (E. Ennis-
 Strange, E. (D. Athol.) killen.)

Hartismere, L. (L. Hen- Sheffield, L. (E. Shef-
 niker.) field.)
 Heytesbury, L. Sherborne, L.
 Hylton, L. Skelmersdale, L.
 Inchiquin, L. [Teller.]
 Kenlis, L. (M. Head- Somerhill, L. (M. Clan-
 fort.) ricarde.)
 Kesteven, L. Sondes, L.
 Leconfield, L. Southampton, L.
 Lovat, L. Stewart of Garlies, L.
 Moore, L. (M. Drogheda.) (E. Galloway.)
 Northwick, L. St. John of Bletso, L.
 O'Neill, L. Stratheden, L.
 Oranmore and Browne, Strathnairn, L.
 L. Strathspey, L. (E. Sea-
 Ormathwaite, L. field.)
 Ormonde, L. (M. Or- Templemore, L.
 monde.) Thurlow, L.
 Overstone, L. Tredegar, L.
 Panmure, L. (E. Dal- Ventry, L.
 housie.) Vernon, L.
 Penrhyn, L. Vivian, L.
 Raglan, L. Wemyss, L. (E. Wemyss.)
 Ranfurly, L. (E. Ran- Wentworth, L.
 furly.) Wharncliffe, L.
 Ravensworth, L. Wigan, L. (E. Crawford
 Redesdale, L. and Ba carres.)
 Kivers, L. Zouche of Haryngworth,
 Romilly, L. L.

House adjourned at a quarter before
 Two o'clock A.M., till a quarter
 before Five o'clock.

HOUSE OF COMMONS,

Monday, 17th July, 1871.

MINUTES.]—SUPPLY—considered in Committee
 —Resolution [July 14] reported.

PUBLIC BILLS—Ordered—First Reading—Public
 Lands and Commons * [252]; Small Debts, &c.
 (Ireland) * [253].

Second Reading—Juries (Ireland) * [231]; In-
 toxicating Liquors Licences Suspension * [234];
 Sunday Observance Prosecutions * [235]; May-
 nooth College * [243]; Metropolitan Tramways
 Provisional Orders Suspension * [236]; Tram-
 ways (Ireland) * [245].

Referred to Select Committee—Coal Mines Regu-
 lation (re-comm.) *

Committee—Elections (Parliamentary and Muni-
 cipal) (re-comm.) [103]—R.F.

Committee—Report—East India (Bishops' Leave
 of Absence) * [237]; Owens College * [246];
 Municipal Corporation Acts Amendment *
 [193].

Considered as amended—Public Libraries Act
 (1855) Amendment * [229].

Withdrawn—Debtors (Ireland) (re-comm.) * [171];
 Inclosure Law Amendment (re-comm.) * [212];
 Pilotage * [82]; Pharmacy * [206]; Bank-
 ruptcy (Ireland) Amendment (re-comm.) * [172].

IRELAND—ASSISTANT BARRISTERS.
QUESTION.

SIR FREDERICK W. HEYGATE asked Mr. Solicitor General for Ireland, Whether he can now state to the House what augmentation is proposed to be made to the salaries of the Assistant Barristers in Ireland, in consequence of the additional duties thrown upon them by the Irish Land Act?

THE SOLICITOR GENERAL FOR IRELAND (Mr. Dowse) said, he was not in a position to state what augmentation it was proposed to make to the salaries of the chairmen of counties in Ireland. A full Return on the subject not being in the possession of the Government it was impossible to come to any definite conclusion this year with respect to it. He might, at the same time, state that he was authorized to say that whatever augmentation might be proposed next Session would include the present financial year, so that the chairmen would not be losers by the delay which would occur.

PARLIAMENT—HOUSE OF COMMONS
POST OFFICE.—QUESTION.

MR. ASSHETON CROSS asked the Postmaster General, Whether he sees any objection to entrusting the Postmaster at the House of Commons with the duty of stamping (on payment) all letters posted there with an official stamp, as is done at Government offices, without putting Members to the trouble of placing stamps upon them?

MR. MONSELL, in reply, said, he had given directions to the Postmaster of the House of Commons, when letters were handed in with money sufficient to pay for them, that he should himself put a stamp on them. That would probably meet the object which the hon. Gentleman had in view, and it would at all times give him great pleasure to carry out the wishes of hon. Members by endeavouring to carry out any plan which they might think conducive to their convenience.

ARMY RECRUITING.—QUESTION.

COLONEL SYKES asked the Financial Secretary of the War Office, Whether, in the Return No. 311, Session 1871, headed "Army Recruiting," the following sums—namely, £756,611 8s. 9d. for 5,536

Cavalry recruits for Home Service, and £1,760,054 19s. 4d. for 27,752 Infantry recruits for Home Service—enlisted in the years 1867-68 to 1870-71, both inclusive, are not merely multiples of the estimated charge to India for each Cavalry recruit of £136 13s. 11d., and for each Infantry recruit of £63 8s. 5d., and have not any relation to actual outlay; and, whether, as far as relates to the years 1867-68, 1868-69, and 1869-70, the now completed Recruiting Accounts in the War Office could not give the actual outlay instead of an Estimate to be laid upon the Table of the House?

CAPTAIN VIVIAN: Sir, the "actual cost" of a recruit cannot be given. No separate record of the cost of a recruit, as distinguished from a trained man, has ever been kept in the Army. It is not and cannot be known in the accounts when a man passes from the status of recruit to that of a trained soldier. Added to which, recruits and trained soldiers occupy the same barracks and consume the same stores, and are under the same superintendence, so that the cost of these items, as divided between the two classes, can never be anything but "estimated."

UNIVERSITY REFORM.—QUESTION.

LORD EDMOND FITZMAURICE asked the First Lord of the Treasury, If it is the intention of Her Majesty's Government to deal with the question of University reform by the appointment of a Royal Commission, or otherwise?

MR. GLADSTONE replied that the view of the Government was that there was a step which might be adopted either by them or by Parliament, as might seem most expedient, without any delay and with great advantage to the interests of the Universities; and that was, to take effectual means by a Commission for establishing and bringing to the knowledge of the public the real, and, as far as might be, the exact revenues and property of the Universities and Colleges. As far as the Universities were concerned, that was a simple matter; but with reference to the Colleges, it was more comprehensive and complex. The Government had had some preliminary consultation with some of the authorities of the Universities upon the question whether it was probable that that could be done by a Crown Commission, or whether it would be necessary to resort to Parliament. Of course, he

need not say that if it were to be done by a Crown Commission, the Government would not attempt anything of that kind until they had ascertained that there was a general disposition to comply with the inquiries which would be made by the Commission, and indeed even a little more, that there was a disposition to prefer that to a statutory and compulsory Commission, so that they might be able to rely upon voluntary and cheerful co-operation. As far as these inquiries had gone, they tended to lead the Government to the conclusion that there would be that cheerful co-operation in the work of bringing out information of great interest and importance which had never yet been fully placed before the world. Of course, his noble Friend knew very well that the present season of the year was not one in which anything effectual could be done, the members of the Universities being dispersed; but when the October term commenced, the Government would endeavour to inform themselves fully upon that subject, and if the result were such as they had some reason to expect it would be, they should proceed at once to advise the Crown to issue a Commission for the purpose of bringing out clearly the whole of the facts. In that case he hoped no very long time would be occupied by the inquiries of such a Commission, and he was likewise disposed to believe that many Colleges in the Universities would be very much inclined to co-operate with the Government, by making use of the powers which they possessed, subject to a certain control of the Privy Council, for the purpose of introducing important reforms into their administration, especially in connection with the tenure and the emoluments of Fellowships.

In reply to Mr. SPENCER WALPOLE,

MR. GLADSTONE stated that the exact purpose of the inquiry would be entirely confined to the elucidation of facts with reference to the property of Universities and Colleges. The question as to the issue of any further Commission to inquire what changes might be made, especially with regard to Fellowships, would stand over.

In answer to Mr. BERESFORD HOPE,

MR. GLADSTONE said, that the Commission would make no Report as to opinions beyond what was necessary to present a clear statement as to the state of the property of the Universi-

ties and Colleges; while, in reply to Mr. RATHBONE, he stated that the Commission would furnish the public with information as to the application of the emoluments of the University of Oxford, which, however, had, he believed, in the main been brought out by a former inquiry.

RAILWAYS—THE ROPE SYSTEM.

QUESTION.

MR. EASTWICK asked the President of the Board of Trade, Whether the Rope system of communication between passengers and the officers in charge of Railway trains has been reported on; and, if so, whether he has any objection to lay a Copy of such Report upon the Table of the House; whether there is any objection to lay upon the Table of the House a Copy of Colonel Yolland's Report on Major Wethered's system of communication, which has been declared by the Board of Trade to be a Report not unfavourable to that system; and, whether the Board of Trade is using or intends to take measures to discover the best means of communication between passengers and officers in charge of trains, and to encourage its adoption?

MR. CHICHESTER FORTESCUE said, in reply, that the power of the Board of Trade with reference to the establishment of a means of communication between railway passengers and guards consisted in signifying their approval of any particular arrangement. Under the authority which they possessed, they had approved the rope system in most instances, the exceptions being the South-Eastern and the South-Western Railways; in their cases the electric system had been approved. There was no Report within the last two or three years of the Inspectors of the Board of Trade with regard to the rope system; but there were elaborate Reports of Colonel Tyler and Colonel Yolland on the whole question of communication between passengers and guards, including that system. Colonel Yolland, he might add, had also reported on Major Wethered's system; but he was bound to say that he, as well as other Inspectors, considered it as being by no means the best mode of communication. The hon. Gentleman could see Colonel Yolland's Report if he wished; but there was this objection against laying it on the Table of the House, that if it were produced the same

course should be pursued with respect to the Reports of the officers of the Board of Trade upon the plans of other inventors.

VACCINATION CONTRACTS.

QUESTION.

MR. HEYGATE asked the President of the Poor Law Board, Whether it is the practice in certain Poor Law Unions to arrange their Vaccination Contracts for the months of April and October only; whether an application recently made by the Guardians of the Hambleton Union to the Poor Law Board, to sanction such an alteration of their Vaccination Contract as would enable vaccination to be performed in the month of July in addition to the months of April and October, has not been refused; and, if he considers an arrangement safe by which children born shortly after the months fixed for public vaccination remain unvaccinated for nearly six months?

MR. STANSFELD, in reply, said, it was the practice in sparsely-populated Unions to sanction vaccination contracts for the months of April and October only. The object of that arrangement was to secure the attendance of a sufficient number of children for vaccination and the supply of fresh lymph. It was true an application had been recently made to the Poor Law Board by the Guardians of the Hambleton Union to sanction such an alteration of the vaccination contract as would enable vaccination to be performed in the month of July; but the Privy Council had advised them not to assent to the arrangement.

PARLIAMENT—KNIGHTS OF SHIRES—
DISQUALIFICATION OF “MEN OF THE
LAW.”—QUESTION.

MR. G. B. GREGORY asked Mr. Attorney General, Whether he considers that the Ordinance of 46 *Edw. III.*, printed in the first volume of the Statutes Revised is an existing Statute and operative as law; and, whether, if so, he is prepared to bring in a Bill for the repeal of the same?

THE ATTORNEY GENERAL replied that in his opinion no valid Statute, properly so called, was ever passed excluding lawyers from the representation of counties. That was the opinion of Lord Coke, who said (4 *Inst.* p. 48)—

Mr. Chichester Fortescue

“Any of the profession of the law which is in practice of the law is eligible. For he which is eligible of common right cannot be disabled by the Ordinance in Parliament in the Lords’ House in 46 Edward III., unless it had been by Act of Parliament; and if it had been by authority of Parliament, yet had the same been abrogated by the Statutes of 5 Richard II., stat. 2, cap. 2, and 7 Henry IV., cap. 15, which are general laws without any exception.”

He had looked at those Statutes, and he found that though they did not expressly repeal the Ordinance of Edward III., they did so impliedly. Lord Coke further stated that—

“At a Parliament holden at Coventry, anno 6 Henry IV., the Parliament was summoned by writ, and (by colour of the said Ordinance) it was forbidden that no lawyer should be chosen knight, citizen, or Burgess, by reason whereof this Parliament was fruitless and never a good law made thereat, and therefore called ‘*indoctum Parliamentum*,’ or lack-learning Parliament. And seeing that these writs were against law, lawyers ever since (for the great and good service of commonwealth) have been eligible, and lawyers might have been elected in that Parliament.”

Lord Coke acted on his opinion by sitting for the county of Norfolk. It appeared that afterwards, in 1649, an attempt was made to revive the Ordinance, and a speech, to be found in the 19th volume of the *Parliamentary History*, page 226, was made by Whitelock, denying the validity of the Ordinance, and its operation to exclude lawyers from the representation of counties, on the ground, amongst others, that the King did not assent to the prayer of the Petition in its form—Statutes taking the form in those days of a Petition to, and answer from, the Crown. The Petition was to the following effect—

“That no man of the law following business in the King’s Courts, nor Sheriffs, be returned or accepted for Knights of the Shires.”

The answer was—

“The King willeth that knights and esquires be from thenceforth returned to be knights in Parliament, and that they be chosen in full county,”

an evasive answer which gave the go-by to the Petition. The *Parliamentary History* proceeds—

“We presume that the foregoing arguments put a stop to this attack upon gentlemen of the long robe, for we hear no more of it.”

From that time until last Monday nobody questioned the right of lawyers to sit for counties. He might add that *Blackstone* (Vol. I., p. 176) observed on the supposed Statute—

“It was an unconstitutional prohibition, which was grounded on an Ordinance of the House of Lords, and inserted in the King’s Writs for the Parliament holden at Coventry, 6 Henry IV., that

no man of the law should be elected a Knight of the Shire."

He had looked through the various editions of the Statutes, and this Ordinance was not to be found in the ordinary editions, he believed, with the exception only of *Ruffhead's Collection of Statutes*, where it is inserted in the Appendix. It is referred to in the Preface to *Cay's Abridgment of the Statutes*, 1739; and it is printed by the Record Commissioners in their edition of the Statutes. As the gentlemen charged with the preparation of the Revised Edition of the Statutes found it in the Record Commission Edition, and could not discover that it had been entirely repealed, they did not feel themselves at liberty to omit it. He did not believe it to be valid; but to remove all doubts it would be inserted among the Statutes repealed by the Bill now pending in the House of Lords. It only remained for him to correct a remark made by the hon. Member for Norfolk (Mr. G. Bentinck), who said that it was in virtue of this Ordinance that Sheriffs were excluded from sitting for counties. The Sheriffs were only disqualified for sitting for the counties to which they acted as returning officers, and this not by statute of the general law of Parliament, for, as *Blackstone* observed, no returning officer could return himself.

CUSTOM HOUSE CLERKS.

QUESTION.

MR. PIM asked the Secretary to the Treasury, When the Lords of the Treasury intend to extend to the clerks in the Custom Houses at the large outports the new classification adopted in London, as promised in Treasury Minute of the 10th December, 1868; whether their Lordships propose to pay to the clerks at the outports the arrears of the increase of salaries from the 1st of April, 1869, as has been, or is to be done, under Treasury Minute dated the 6th of March last, in the case of the clerks in the London Custom House; whether their Lordships intend, in making out the scale of salaries under the new classification, to pay any regard to the present cost of living and maintaining a family in the outports; and, whether it is their intention to make the salaries of the Customs clerks at the large outports equal to those of the clerks in London?

MR. BAXTER: Sir, the Treasury Minute referred to in the first Question of my hon. Friend approved a scheme of establishment for the Customs clerks in London, and fixed their salaries; but as regards the clerks at the outports the Minute merely authorized the Board of Customs to prepare a plan, and no promise was given to sanction it. On the 1st of January, 1869, the Lords of the Treasury stated that it was not expedient to take any steps with reference to the clerks at the outports; but subsequently they have directed an inquiry to be made into the state of the Customs establishments at the outports, which inquiry, however, has been delayed pending a decision on the Warehousing Departments in London. Instructions have now been issued to proceed with the investigation, commencing with Liverpool, and then probably taking Dublin. The House, I am sure, will agree with me that it would be quite premature to offer any opinion on the measures which may hereafter be recommended by the Special Commissioners and sanctioned by the Treasury; but no doubt all the circumstances of the case, including those stated in my hon. Friend's third Question, will be duly considered.

REV. D. SMYTH—SIEGE OF PARIS.

QUESTION.

MR. CADOGAN asked the Under Secretary of State for Foreign Affairs, Whether the attention of Her Majesty's Government has been called to the distinguished and devoted services rendered by the Reverend D. Smyth to British subjects during and subsequent to the late siege of Paris; and, whether any Report of the administration of the "Cave" Fund by D. Smyth and others in Paris can be laid upon the Table?

VISCOUNT ENFIELD: Sir, the humane and praiseworthy exertions of the Rev. D. Smyth, as well as those of Mr. R. Wallace, Mr. E. Blount, Mr. Alan Herbert, and others, have been gratefully recognized by Her Majesty's Government, and Lord Lyons some time ago was informed of the high sense entertained here of the conduct of these gentlemen during the siege of Paris, and if my hon. Friend will move for this despatch I shall be happy to present it to Parliament. With regard to the Special Report of the British Charitable

Fund, I have a copy of it in my hand which I will leave in the Library for the Printing Committee of the House to decide as to whether it should be generally circulated; but I apprehend it would not be convenient for the Foreign Office to be called upon to print documents of this character.

THE LATE CONSUL AT RESHT.

QUESTION.

SIR JOHN HAY asked the Under Secretary of State for Foreign Affairs, To state what amount of money has been recovered from the Government of Persia on account of the debts of a late member of the Persian Legation in this Country, and to ask him to state whether, under the circumstances, he does not believe it will be just to repay the debt incurred by Mr. Mackenzie, late Her Majesty's Consul at Resht, to a Persian subject, the bond having been secured under the Consular seal?

VISCOUNT ENFIELD: Sir, the late Minister of Persia in this country has remitted, since his departure, about a third of the whole sum that was claimed from him to meet certain specified liabilities in England. The case of Mr. Mackenzie was as follows:—When Consul at Resht he borrowed a sum of money, to be repaid in four months, of a merchant of Teheran, named Mirza Jafir. He was recalled within the four months, and left without paying. The Persian Government intervened on behalf of Mirza Jafir; but Her Majesty's Government have stated on several occasions that they could not hold themselves responsible for debts incurred without their knowledge and sanction. The case for the creditors was re-opened in March, 1870, by their lawyer, Mr. Pringle, who forwarded a copy of the bond on which the seal of Her Majesty's Consulate was visible; but in the copy of that document presented to the Foreign Office by the Persian Minister, the seal is the private seal of Mr. Mackenzie, and the copy is certified as correct by Mr. Abbott with the Consular seal, Mr. Abbott having been Mr. Mackenzie's superior Consul at Tabreez.

ARMY—THE JOBSON FUSE.

QUESTION.

MR. LEA asked the Surveyor General of the Ordnance, If a specimen of a

Viscount Enfield

new time fuse was not submitted to the War Office by G. F. Jobson in 1869; if since that time large numbers have not been made upon this principle; and, if any reward has been given to Jobson for his invention; and, if not, why such reward has been withheld?

SIR HENRY STORKS, in reply, said, Mr. Jobson submitted a modified time fuse in 1869; but there is no proof whatever that his proposals or suggestions led to the introduction of any improvements into the service fuse. His claims to reward have been frequently considered and rejected. They were finally submitted to the Ordnance Council in January last, and it was decided that they were inadmissible.

NAVY—CHAIN CABLES.—QUESTION.

MR. CAWLEY asked the First Lord of the Admiralty, Whether any and what tests are applied to chain cables used in the Royal Navy; and, whether any inspectors are appointed by the Admiralty to visit the works of contractors during the manufacture of such chain cables; whether the testing involves the rejection of all cables which prove unequal to the test; and, whether from experience the Admiralty have found the existing system of testing satisfactory and efficient?

MR. GÖSCHEN, in reply, said, the Admiralty had the power to appoint inspectors of cables; and if chain cables did not bear a certain strain they were rejected. The existing system was working successfully, and secured the supply of trustworthy cables.

PARLIAMENT—RULES AND PRACTICE OF HOUSE—POWER OF THE CLERKS AT THE TABLE TO ALTER NOTICES.

QUESTION.

MR. TOMLINE said, he had placed on the Paper the Notice of a Question in the following terms:—

"To ask the First Lord of the Treasury if he is still prepared to affirm 'that the Revised Statutes published by the Queen's printers, by authority, in 1870 to 1871, were authoritatively given to the people in accordance with the Report of a Royal Commission appointed by the Lord Chancellor, are now the binding Statute Law of the land'—

but as he had to make an explanation he should move that the House adjourn.

MR. SPEAKER intimated that the House would doubtless permit the hon.

Member to make an explanation without requiring him to move the adjournment of the House.

MR. TOMLINE said, that the Question he intended to put to the right hon. Gentleman was not that which stood in his name on the Paper. The Question had been changed by the clerks, and the change annoyed him, because the Question was now made to appear discourteous and like the question of a cross-examining counsel, who asked a witness whether he was still prepared to affirm that which he had before stated. He had not the least wish to be discourteous to the right hon. Gentleman. He had been for many years, together with the right hon. Gentleman, a follower of Sir Robert Peel, and, though his support of the right hon. Gentleman's policy might now be called discriminating, he should be sorry to be thought capable of putting a question in a taunting style to the right hon. Gentleman, who himself set an example of courtesy which perhaps in time all his Colleagues would follow. The right hon. Gentleman, before he answered the Question the other night, probably consulted the Statute Law Commissioners, one of whom was Sir Erskine May, who could confirm the statement made by the right hon. Gentleman that the Statute of Edward III., which had been referred to, was still the binding law of the land.

MR. SPEAKER said, he felt bound to say that the hon. Member's observations extended to such a length that they could not properly fall within the compass of a Question.

MR. TOMLINE said, he would move the adjournment of the House.

MR. SPEAKER said, that if he understood the case, it might be disposed of in two minutes. The hon. Member's Question was drawn in a certain form of words, and a slight alteration had been made in those words, leaving the substance entirely unchanged. As to the point whether the hon. Member is in Order in moving the adjournment of the House on such a matter, that must be left to the hon. Member's own discretion. There were certain Orders of the House which were distinctly contravened by the course now pursued. One Order was that on Mondays Orders of the Day should have precedence of Notices of Motion; and if the hon. Member chose to move the adjournment of the House and

raise a discussion on a Notice of a Question, he contravened that Order. Another Order was that on Mondays the Government should have the right to place at the head of the list of business such Orders as they thought it necessary to bring forward; but that rule would be contravened if, by moving the adjournment, an hon. Member gained precedence for a Notice he had put down on the Paper.

MR. TOMLINE said, it was quite clear that by the decision of the right hon. Gentleman in the Chair he had a right to move the adjournment.

MR. BAGWELL moved that the hon. Member be not heard.

MR. TOMLINE proceeded to say that, according to the declaration of the right hon. Gentleman at the head of the Government, the two volumes of Revised Statutes contained the law of the land; and the Attorney General admitted that the Statute of Edward III. was binding, when he said that it should be inserted in the Bill brought in to repeal certain existing statutes and parts of statutes. As had been remarked by the Chancellor of the Exchequer the law should have no favourites, and, least of all, ought it to favour lawyers. The Attorney General said he meant to introduce a Bill to repeal that which he admitted to be a statute; but until he did so, in what position were those hon. Gentlemen whose sitting in the House was a breach of an Act of Parliament? But the object of his Question was to appeal to The Speaker, as the guardian of the privileges of the House, if the Clerks at the Table were allowed to do what they liked with the Notices which Members placed in their hands. The results of such a usurpation might become serious, and therefore it was that he addressed himself to The Speaker, who inherited the traditions of the Chair he occupied, that the practice ought to be checked before it became so common that it could be claimed as a right. He had been referred to Lord Brougham and Sir John Rolt with respect to the other Question which he had raised; but they were not charged with the care of the privileges of that House.

MR. PEMBERTON rose to Order. He wished to know whether an hon. Gentleman was in Order in stating over and over again as a fact a disputed question of law, and by which it would

seem that he (Mr. Pemberton) committed a breach of the law by sitting in that House as a Knight of a Shire?

MR. SPEAKER: The House has not delegated to me any power of preventing hon. Members repeating the same argument over and over again.

MR. TOMLINE, whose observations were rendered inaudible, concluded by calling the attention of The Speaker to the fact that the terms of the Question of which he had given Notice had been altered by the Clerks at the Table without his consent or knowledge.

MR. SPEAKER: I should be very unwilling to believe that the hon. Member put his Question on the Paper with the view of moving the adjournment of the House, and thereby introducing a discussion of the merits of a Question which has already been considered. I think that would have been a great invasion of the Rules and practices of the House. I understand that the hon. Gentleman objected to an alteration which has been made in certain words of his Question. I hold in my hand the Notice in its original form as given in to the Clerks. It appears that the only alteration made is by striking out a reference to a past debate by substituting for the words "whether he still adheres to the statement officially made by him in the House of Commons" the words "whether he is still prepared to affirm." It is the duty of the Clerks to follow the Rules of the House, and these provide that in Questions all reference to past debates shall be avoided; and on the present occasion they have altered the Question of the hon. Gentleman with the view of keeping it within the Rules. I cannot but much regret that the House has been occupied with this subject.

MR. GLADSTONE: I rise, Sir, to answer the Question of my hon. Friend, and to thank him for the courteous terms in which he has been pleased to refer to me. With regard to the subject relating to the Clerks at the Table, I trust I do not go too far when I state parenthetically for myself, after long experience, in regard to Motions which have been put in by myself and others, that nothing more affects my admiration than the extraordinary precision, as well as rapidity, with which the miscellaneous Questions handed in to the Clerks are reduced to order and circulated all over London next morning in a manner that

Mr. Pemberton

forms a perfect masterpiece of Parliamentary machinery. As to the other point of the hon. Gentleman's remarks, I believe the case is this—that the point on which his Question turns is one of those points which, as a legal question, must be considered to be doubtful. My hon. Friend is perfectly right in stating that I represented to him, acting on the best information I could obtain, that the volumes to which he referred contained the binding Statute Law of the land. The Commissioners who compiled these volumes have, of course, no authority to rule doubtful questions. All they could do was to act to the best of their judgment; they were not armed with any legislative power. No doubt they so acted; but in determining the question whether any statute or ordinance should or should not be printed that would not affect the legal question, which must remain for the decision of the proper authority, whether the statute is law or not. My hon. Friend has given his opinion upon it, and I am extremely sorry that any remark of mine has caused him any trouble; I gave him the best information I could, but I have no power to deliver an irrevocable judgment *ex cathedra*.

MR. SPEAKER: The hon. Member has said that he would move the adjournment of the House, but he sat down without doing so.

MR. G. BENTINCK: I rise for the purpose of seconding his Motion.

MR. SPEAKER: I understand that the hon. Gentleman sat down without moving. I hold it would be the wish of the hon. Member, as well as of hon. Members generally, that the matter should now conclude.

MR. G. BENTINCK said, he understood the hon. Member to move the adjournment of the House, and he himself had risen for the purpose of seconding the Motion, when the right hon. Gentleman at the head of the Government rose to answer the question of his hon. Friend (Mr. Tomline). If he was in Order he would second the Motion; if he was out of Order, he would be glad to hear the grounds of his being held to be so. He would not detain the House long; but he wished to make a few remarks. He would merely say in reference to this statute—[Sir EDWARD COLEBROOKE: The statute does not exist.] If that was the case nothing

further could be said on the question; but with regard to the other point, the alteration of Notices by the Clerks, it was one of which the House should take some account. He was the last man to impugn, and he was the first man to inquire into the way in which the Business of the House was conducted. He maintained that no man had a right to alter any Question which was put into the hands of the Clerk to be inserted in the Orders of the Day.

Motion negatived.

IRELAND—ROYAL MILITARY SCHOOL,
DUBLIN.—QUESTION.

SIR JOHN GRAY asked the Chief Secretary for Ireland, What specific charges of interference with matters outside his duty was alleged against the Reverend John Leonard, Roman Catholic officiating clergyman of the Royal Military School, Dublin, previous to the 1st March 1871, upon which day the Committee of Governors recommended, and the General Board of Governors decided, that the services of the reverend gentleman be dispensed with; whether the alleged case of interference was communicated to the reverend gentleman prior to the adoption of the said recommendation or since the date of its adoption; whether the Reverend Mr. Leonard has been afforded any opportunity of refuting the allegation made against him, and on which the recommendation was adopted; and, whether, if such opportunity was not afforded to him, the Government is prepared to give him an opportunity of having a full and impartial inquiry into the truth or falsehood of the complaint made against him?

THE MARQUESS OF HARTINGTON said, in reply, that the Rev. John Leonard, a Roman Catholic clergyman officiating at the Royal Military School, Dublin, had been dismissed in the terms of the Board of Governor's resolution for neglecting to furnish an explanation required of him, after forbearance which had been extended to him without good result, so that his further continuance in the office was inconsistent with the maintenance of discipline. Any further reply would canvass matters which would be brought before the House in a more regular manner when certain

Returns were moved for. It was not the intention of the Government to make further inquiry. From the Papers before him he was satisfied that the rev. gentleman had interfered with matters outside his duty, and had been treated with lenity.

CONTAGIOUS DISEASES COMMISSION.
QUESTION.

MR. BAINES asked the Secretary of State for the Home Department, How soon the Report of the Commission on the Contagious Diseases Act will be in the hands of Members; and whether it is the intention of Government to propose any legislation founded on that Report during the present Session?

MR. BRUCE, in reply, said, the Report of the Commission would be in the hands of Members in the course of a few days. It was signed by 23 of the 25 Members, two being absent, one from illness and the other on duty. The number of dissents detracted from the unanimity of the Report. Two-thirds of the Members were in favour of qualified compulsory application of the Acts, one-third—or rather, seven—were in favour of strengthening rather than weakening the Acts; six were in favour of repealing all compulsory legislation, and all were in favour of further legislation, with a view of modifying the law to make it applicable to the whole country. Such a Report was intended for the information of Government, of Parliament, and of the whole country; and at this period of the Session it would be impossible for hon. Members to give due consideration to the Report so as to be able to pass a useful measure founded upon it. It was therefore not the intention of the Government to introduce a Bill. Strong feelings had been created in the public mind by the frequent repetition of statements that in carrying out these Acts outrages had been committed upon innocent and virtuous women; but those statements had not been confirmed. Had they been confirmed, it would have been the duty of the Government, under any circumstances, to repeal Acts capable of such abuse; but the Commissioners said that the result of inquiry was to satisfy them that the police were not chargeable with any abuse of authority; that they had discharged delicate and difficult duties with moderation and

caution; and that there was no foundation for the charges which had been so rashly made and repeated, and which had contributed to excite public indignation against these enactments. That finding was unanimous, and an examination of the facts showed not only that many of these statements were gross exaggerations, but that the greater part of them were sheer inventions. The House would therefore see that the substitution of legislation for that now in force was a matter which required on the part of the Government deep and anxious consideration, which could not be given to it either by the Government or by private Members at this period of the Session.

PARLIAMENT—PUBLIC BUSINESS.
OBSERVATIONS.

MR. DISRAELI: I wish to make an appeal to the right hon. Gentleman at the head of the Government with respect to the order of Business. The House agreed to the Irish Education Vote on Friday night on the understanding that the discussion might be taken on the Report, and I see that the Report is fixed for an hour to-night, which would render discussion quite impossible. There was also some intimation on Friday that there might be a Supplementary Vote, and that the discussion might be taken then; but it is not within my Parliamentary experience that discussion should be postponed till a Supplementary Vote is brought forward which is not even on the Paper. I have no wish to interfere unnecessarily with the conduct of Public Business; but, as I am afraid that my hon. and learned Friend the Member for the University of Dublin (Mr. Plunket) will fail to gain the opportunity of raising the fair discussion he wishes on the question, I would suggest that the Report should be taken at the Evening Sitting to-morrow.

MR. GLADSTONE: The right hon. Gentleman (Mr. Disraeli) has misunderstood in some degree what took place on Friday night last, because the arrangement then was that the discussion should be taken on the Supplementary Vote, and that Vote is now on the Table; but we shall be happy, if we can, to fall in with the right hon. Gentleman's suggestion, and take the Report of the Vote

on Account to-morrow evening. As the right hon. Gentleman has raised the question of the course of Business, I may, perhaps, be allowed to refer to the subject, and for the sake of order I will move the discharge of the Order for Committee upon the Debtors (Ireland) (Re-committed) Bill, which stands for to-night. It will be all the more convenient that I should state the views of the Government, because rumours have appeared, with more or less apparent belief on the part of the writer of the paragraphs, in print, which may naturally tend to raise doubt and misgiving in the minds of hon. Members, with regard to the intention of the Government to abandon, in particular, the principal and most important measure now before the House. These rumours are founded upon a misapprehension—an agreeable misapprehension, but one which I am desirous to remove. It is assumed, I admit, in strict conformity to the practice of the last few years, that we are rapidly passing, or have almost passed, by that period of the Session when, in conformity with Parliamentary usage, Votes may be taken upon the principal Estimates for the services of the country, the Army and Navy, or when measures may, with advantage and propriety, be sent to the House of Lords. Now, Sir, I have looked into the matter, and I find, from instances to the contrary, that neither of these suppositions is supported by invariable custom; but that their existence has given rise to the presumption that there is a uniform rule as to the time after which there will be no proceeding as to voting money, or doing legislative business. It will be found, however, as might, perhaps, have been anticipated in a practical Assembly of this kind, that the House has in years of pressure met that pressure by devoting more time to the discharge of its Business. That, however, I know, is not a convenient or an agreeable course to any of us, nor perhaps, Sir, to yourself, and very glad should I be if you and we could be relieved from the inconvenience; but duty must come before convenience, and I wish to refer to the rule applicable to such a case. In the year 1862, which was not a year of pressure at all, the Army Estimates were only closed on the 22nd of July—not the Supplementary, but the original Estimates. In the year

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1861, which was a year of some activity, though certainly not one of great legislative pressure, the Army Estimates were closed on the 27th of July, on which day the Navy Estimates were also closed. In 1860, which was a year of great legislative pressure, the Navy Estimates were not closed until the 20th of July, and the Army Estimates not until the 18th of August. In 1853, which was likewise a year of much business and activity, both the Army and the Navy Estimates were closed on the 9th of August. I have not had a search made into a long series of years, but was guided by my recollection of the years of 1853 and 1860, as indicating the manner in which the House adapted its convenience to the exigencies of Public Business. That is the state of the case as far as regards the Estimates, and it is not necessary for me to go into other cases where there have been Supplementary Army and Navy Estimates. Then, with regard to Bills, it appears to be an illusion with which hon. Gentlemen not at all unnaturally please themselves—and I feel, myself, a fond temptation to suppose that it is a thing without precedent, or almost without precedent, for Bills to be prosecuted in this House after we have reached what may be roughly called the middle of July. Again, I have looked back to two years within my own recollection, when the affairs of this country were conducted by the £10 Parliaments, as they may be called, and not by the Householders' Parliament, and I do not suppose that, in proportion as the constituency becomes more popular, either the zeal of the House of Commons or its disposition to make sacrifices for the public good is likely to become more slack. The two years to which I refer are 1833 and 1835, and in both of them I was myself a witness of and a participator in the whole of the proceedings. I will mention three of the most important measures of that very remarkable Session of 1833. The Irish Church Temporalities Act and the Irish Coercion Act had been passed at a comparatively early period of the year, but the East India Charter Act was read a third time in this House on the 26th of July, 1833; the West India Slavery Bill was read a third time on the 7th of August; and the Bank Charter Act Bill was read a third time on the 19th of August in

the same year. Hon. Gentlemen will see, therefore, that there is still a large margin available, though I hope we shall not require to make use of it. One other case of legislation I will quote, because it is a remarkable one. It is the case of the Municipal Corporations Act, which those who sat in this House at the time will recollect was regarded as a measure of immense constitutional and political importance at the time it was passed, though the ease and smoothness with which it was worked may diminish the liveliness of our recollections. Two of my hon. Friends who are sitting opposite will remember the occasion very well, and will agree that I have given a correct description of the measure. The Municipal Corporations Bill was introduced into this House on the 5th of June, 1835, it was reported from Committee on the 17th of July, read a third time on the 20th of July, and then sent to the House of Lords. With exemplary patriotism the House of Lords went thoroughly into the particulars of that Bill, and I believe they heard evidence and counsel on the subject. Their Lordships sent the Bill back to this House on the 31st of August, and the Lords' Amendments were not considered here until the 1st of September. They were considered for four days, during which time a conference ensued; a second Conference was held on the 7th of September, and the Bill was finally disposed of and made an Act of Parliament on the 12th of September. Therefore, there is time available for every reasonable purpose, and more, I trust, than is likely to be required for reasonable purposes under the present circumstances. I need not say, with these considerations in our mind, that the rumours which have been propagated as to the intention of the Government to recede from the prosecution of the Secret Voting Bill are wholly and absolutely without foundation. They rely upon the known and proved views of a large majority of the Members of this House, and they adhere without the slightest reserve to the intentions that they have hitherto declared. This being so, it has been their duty to review the Orders from time to time, and we have found that the number of Bills of secondary importance is so great that we think it will not be in the power of Parliament satisfactorily to dispose of

them during the present Session. The Orders for to-night, so far as the Government are concerned, number 33, besides which there are several in the charge of private Members. We have examined that list with a view of ascertaining what measures it may be in our power to prosecute, for we are desirous to relieve those hon. Members who take a special interest in any of those measures from uncertainty in regard to them. First of all, there is the 15th Order for the re-committal of the Debtors (Ireland) Bill, which I shall move to discharge. The 16th Order relates to a subject which has been already discussed in this House on a point of form, though not upon its merits. It is a Parliamentary proceeding with regard to the Blackwater Bridge Bill, and we think it better not to go on with it, because the subject is one which will require more consideration. The 17th Order refers to the Inclosure Law Amendment Bill, and it is with regret that we have arrived at the conclusion that it will not be possible to have that measure satisfactorily disposed of during the present Session. I may say the same of several other Bills—the Pilotage Bill, the Coal Mines Regulation Bill, and the Metalliferous Mines Regulation Bill. These are Bills of great importance, but they are likewise Bills requiring very considerable discussion of details, and we do not think it will be possible to obtain for them that full and thorough discussion which we desire. Then there is the Pharmacy Bill, which evidently could not be passed without a great deal of discussion, and that we propose also to withdraw. The next Order is the Bankruptcy (Ireland) Amendment Bill, which is an important measure, likely to be beneficial to Ireland; but my hon. and learned Friend the Solicitor General for Ireland, who has charge of it, does not think he can fairly expect the House to pass it during the present Session. These are the eight Bills which it is not our intention to go forward with. After this statement of particulars, which I thought it desirable to lay before the House, I will conclude by moving that the Order of the Day for the re-committal of the Debtors (Ireland) Bill be discharged.

MR. BERESFORD HOPE said, he wished to correct an erroneous impression of his right hon. Friend at the head of

the Government with regard to the division on Friday night, in reference to the Irish Education Grant. He wished to state that no factious opposition was raised on that side of the House. His hon. Friend proposed to move the reduction of the Vote, leaving a portion of it to stand over, in order that there might be a subsequent discussion; but the Chairman ruled that his hon. Friend, not being a Minister of the Crown, could not make that Motion. He confessed that hon. Members on that side were surprised at his right hon. Friend not moving that which as a Minister he might have moved.

MR. GLADSTONE: I am extremely sorry that there should be any misunderstanding as to the proceedings on Friday night. The Chairman of Ways and Means undoubtedly did rule that no one but a Minister could move a Grant of money, and I do not wonder that my hon. Friend the Member for the University of Cambridge should have expected us to bring forward a Motion. The fact, however, is that we had ascertained from the Chairman that that could not regularly be done, and if we had simply diminished the Vote we should have crippled the service for the year.

MR. CORRY pointed out that up to this time only two Votes in the Navy Estimates had been taken. Consequently, the House had no opportunity of discussing important questions respecting dockyards and the supply of stores and ships.

MR. CRAWFORD inquired what the Government proposed to do with the Chancery Bill, which for the last three months had been placed on the Paper once, and sometimes twice, a-week.

MR. GLADSTONE: We do not abandon all hope of proceeding with it; but some further statement on the subject will probably be made shortly.

MR. LIDDELL expressed his deep regret at the withdrawal of the Coal Mines Regulation Bill, which both masters and men had looked forward to with anxiety.

MR. NEWDEGATE said, he had been prepared for some such announcement from the Government with regard to the course of proceeding as had just been made to them, because, during the past six weeks, he had calculated that every Monday the Government Orders had numbered more than 30. That

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day there were more than 40 Orders on the Paper, and they were chiefly Government Orders. If that were the first occasion on which the Order Book was so crowded, he should have thought little of it, but should have regarded it as preparatory to the announcement made by the right hon. Gentleman the Prime Minister that he was about to sweep off the list eight of his Bills. Now, with 33 Orders of the Day still remaining upon the list, he held that it was totally impossible for hon. Members of that House to know what business was to be proceeded with and what was not; and he took that opportunity of humbly and respectfully representing to the House that, if they intended to understand the business which they were expected to proceed with, the House ought to remonstrate against the practice of thus thronging the Order Book, and rendering it impossible, amongst such a large number of Orders, to discover those which were to be prosecuted further. He had looked into the public newspapers, and with shame he saw that their playbills were distinguished from other playbills by nothing but their excessive variety. But he wished to comment, for an instant, upon the course which had been taken by the Government. It was this—they had now swept from the list various Bills, in particular the Mines Bills had just been adverted to, to which numerous sections of the population had been looking with anxiety; and they treated the present occasion as one of urgency, he might say as an emergency; but who had created that emergency? Who but the Government themselves? And what, he would ask, was their object in creating that emergency? It was this—they were determined that the country should not, during the Recess, if they could prevent it, have the opportunity of considering the Secret Voting Bill, which was, in itself, either a new Reform Bill, or the matrix of a new Reform Bill. Well, he presumed that that was the result of some arrangement entered into between Her Majesty's Government and the majority on the other side, whose conduct on that subject had been so unprecedented—unprecedented, that was, in their determination to vote, and their determination not to discuss. Why, they seemed to represent the very essence of secrecy themselves. They had

entered into a secret understanding with the Government to coerce the House of Commons, and it was impossible to avoid that which they appeared most to dread—the reference of that measure to the country for mature consideration during the Recess, before they had the opportunity of forcing it through the House of Commons. But he also thought that they had another object. There was manifestly a desire on their part to produce a collision between the Houses of Parliament, and a desire to avoid a reference of that measure to the country before that collision was produced. He could not help thinking, then, that the only exigency which impelled the Government to act in that way was a party exigency; and, in his judgment, a party exigency was but a poor excuse for retaining in Session the Houses of Parliament, as though there were some great emergency which rendered it necessary.

Mr. RODEN said, he hoped the Government would re-consider their determination with regard to the Coal Mines Regulation Bill.

Mr. SPENCER WALPOLE said, he should like to take notice of one observation which had been made by the right hon. Gentleman at the head of the Government as to the practice of that House, and the course of proceeding with regard to postponing the Committee of Supply. The right hon. Gentleman had mentioned precedents for postponing Committee of Supply until the end of July, or even until August; but the unusual occurrences soon after the passing of the Reform Act would account for some of those postponements; and with regard to the later ones, both 1853 and 1860 were exceptional years in consequence of the change which had taken place in the Government. He was anxious that the House should bear this in mind, and that the attention of the Government should be called to the matter, because if Committees of Supply were postponed, two consequences must follow; one of which was that of late years it had led to the growing practice of taking Votes on Account, which was a most objectionable course, for it did not give the House the opportunity of considering the grievances connected with those Departments for which the money was taken. The other consequence was that so far as regards the two great services—the

Army and the Navy—he did not believe that the Government could produce any instance in which the Votes had been postponed so late as in the present year. Now, if that proceeding were to be drawn into a precedent, a most dangerous consequence might be established, because at a future time the peculiar duty of the House to superintend and control the expenditure on the Army and Navy would be postponed to a period of the Session when there was not that large attendance of hon. Members which led to the Estimates being properly criticized. For those reasons, he hoped the House would impress on the Government the necessity of going into Committee of Supply at an earlier period of the Session.

MR. SCLATER-BOOTH said, he agreed with his right hon. Friend that the practice of taking Votes on Account was inconvenient; but that which had occurred this Session was still more objectionable, for money had been taken on account of the first two Votes in the Navy Estimates, which had been applied to other matters, without the policy of the Government as to those matters being either stated to the House or sanctioned.

COLONEL STUART KNOX said, the “Massacre of the Innocents” had that year been accompanied by threats and worthless precedents. The right hon. Gentleman had said he withdrew those measures because they required more consideration; and the same argument would apply to the Local Government (Ireland) Bill, which was likely to be made a good one if the opinion of the constituencies interested could be taken on the subject. That Bill might be withdrawn, and brought in again next Session.

MR. MUNDELLA, in supporting the appeal of the hon. Member for South Northumberland (Mr. Liddell), said, he should protest most strongly against the withdrawal of the Coal Mines Regulation Bill. There never had been an occasion when the question was more ripe for legislation; both employers and employed had fully discussed it, and the question might be settled in a shorter time than it ever could have been before. He believed that two Saturday Morning Sittings would finish it. It was a matter affecting the welfare of thousands of their countrymen, and they had spent hundreds, if not thousands,

of pounds to bring the Bill to the present stage. The greatest mortification and dissatisfaction would be felt if it were now thrown overboard.

MR. CANDLISH said, he would make a similar appeal, for he was equally certain, with the hon. Member who had last spoken (Mr. Mundella), that there existed no difference of opinion as to the principle of the Bill. The only variance was as to details.

MR. DISRAELI: Sir, in consequence of representations which were made to me, and with which I greatly sympathise, I promised to support these Mines Regulation Bills when they were brought before the House. No Bills have been brought forward in which a large number of people take a greater interest, and I think it one of the first duties of the Government to make arrangements that such Bills should be passed. One of the first duties of this House, we have always been taught, is to redress the grievances of the people, and these are real grievances of the people. This portion of the working classes looks with confidence to Parliament for redress; and I am authorized to say not merely on their part, but on the part also of some of the most important employers of labour whom I have seen, and others interested in mines, that there never was a happier moment for settling the question, for there never was a period when a better understanding prevailed between employers and employed; when all the questions arising out of this matter have been more thoroughly scrutinized; or when they have arrived at a more satisfactory solution of them. It is therefore with great regret I hear those Bills are to be withdrawn; and I must say that I should be very glad if the right hon. Gentleman at the head of the Government and his Colleagues, in order to carry not only those but various other measures of great interest, would make up their minds to withdraw the Bill for secret voting. That Bill is the great obstacle to the progress of useful measures in which the people feel the deepest interest, because they know that if they are carried they will materially benefit their position; and I do not think that they will be satisfied to see them sacrificed in order to carry a measure which, after all, is a mere political speculation. But if it be one of our chief duties to redress the grievances of the

Mr. Spencer Walpole

people, certainly our first great duty is to attend to the due expenditure of their money, and I cannot at all agree with the conclusion at which the right hon. Gentleman has arrived about closing Committees of Supply. Speaking without notes, but having a tolerably clear remembrance of what has occurred in reference to this subject since I have been a Member of this House, I think I may venture to say that there never was a period when the Committee of Supply, especially with regard to the Navy Estimates, was in such an unsatisfactory state of arrears. Only two Votes out of 19, I think, have been passed; and of the remaining 17, some clearly involve discussion, and I hope settlement by this House, as important questions connected with the administration of the Navy will then be brought forward. Irrespective of that, there is the Motion of my noble Friend the Member for Chichester (Lord Henry Lennox) with regard to the loss of the *Captain*, and it would be disgraceful to the House of Commons if Parliament were to be prorogued without going into that matter. A national catastrophe has happened, and when it has been asserted, and asserted upon authority, that that catastrophe can be clearly traced to mal-administration in our Navy—without giving now any opinion of course myself but speaking of it in a desultory manner, it would be disgraceful to this House to separate without investigating that matter, as far as a Parliamentary discussion will permit us so to do. Here are the grievances of the people. Year after year a measure with respect to the miners, from whom I had the pleasure of receiving a deputation at my house on the subject, has been thrown aside, and it is again withdrawn, although the miners have been led to expect and believe that nothing could this Session prevent a satisfactory settlement of a question in which they are deeply interested. We are, moreover, told that there is no prospect of any arrangement by which we may go at an early day into Committee of Supply. When the right hon. Gentleman rose to communicate to us the decision of his Cabinet, I certainly thought it was not for us to question on this occasion the propriety of their judgment with respect to proceeding with the Ballot Bill, though I regretted their decision; but I supposed that

that notification would be accompanied by an intimation being made to the House that fair and constitutional opportunities would be given to the House, particularly as regards the expenditure of the country, by going at an early period into Committee of Supply. But, as regards both these matters, we find that there is no prospect of our doing our duty to our constituents and the country generally, and I think it most unsatisfactory. It is certainly for the Government to decide how long they may think proper to postpone Parliamentary discussion; and when we remember the great responsibility of the Government, no one can seriously maintain that so long as they sit upon that bench they are not the best judges of that question. But we have a right to make conditions, and to say that we expect the business of a great nation as this is, if it is carried on by a large and an unusual sacrifice of time, will be conducted with a due deference to the constitutional privileges of Parliament. The *bond fide* control in Committee of Supply is one of our most valuable and important privileges, and if the right hon. Gentleman insists on proceeding with this Bill for secret voting, we have a right to expect that he should have secured to the miners of the United Kingdom the passing of these Bills, which they have regarded as a certainty, and which would have been accepted by all classes connected with that important branch of industry with the utmost satisfaction. I adverted earlier in the evening to another point, in the hope that I might have made a suggestion which would have removed some of the embarrassment of the Government, and at the same time have satisfied the representatives of Ireland as to that matter of education in which they are so deeply interested. I made the suggestion that we might probably take the Report on Tuesday evening, and then have the discussion; but I find my efforts have been quite unavailing, for it cannot be brought forward at any hour which would give us a fair prospect of any satisfactory discussion, and therefore all I can do is to suggest to the Government to give to-morrow morning to that subject. The discussion will probably conclude at an early hour, and we could then resume our duties in Committee on the Bill for secret voting.

After what occurred on Friday night, the right hon. Gentleman is bound to secure a fair consideration of the question of Irish education, and I am sure that the Government will not refuse Irish Members an opportunity of speaking upon a question which so deeply interests them. I deplore the state of Public Business, for our position could not be more unsatisfactory. I will not say that the right hon. Gentleman has adopted a minatory tone to-night; but the adroit intimation which he made that if we do not meet him exactly as he wishes he will secure for us a great deal of personal inconvenience is to be regretted; because I am quite convinced that to attempt to force down a measure which no one can say is one of exigency or emergency—which is an unexpected measure—which is a different measure from that produced by the Government last year, and therefore, from the nature of that circumstance, an immature measure—I say, I think to attempt to force a measure of this kind upon Parliament by such a sacrifice as this—the sacrifice of the highest constitutional privilege of the House of Commons, in checking and controlling public expenditure, and the sacrifice of the most important interests of the miners, and compelling those industrious classes to forego that redress of their grievances under which they have been so long suffering, and which now might be terminated with the happy concurrence of their employers, is, in my mind, fraught, or soon will be, with great disaster to all concerned.

MR. BRUCE: I rise with the intention of making some proposition on the part of the Government with reference to the Mines Regulation Bill. I cannot agree with the right hon. Gentleman that the removal of the grievances of the miners is a matter of the first consideration, for although those grievances are deeply felt, it appears to the majority on this side of the House, whatever may be the opinion of the right hon. Gentleman and his followers, that there are also grievances connected with the freedom of voting in which the people of this country take a still greater interest. I readily admit that the feeling in reference to the Mines Regulation Bill is great; but the Government must at this period of the Session be allowed to select which measures shall be advanced and which shall be withdrawn. However, there

appears to me to be a chance, of which I would gladly avail myself, of passing this Bill which has been so long before us. There is, I believe, a general desire to settle this measure, which involves some questions of considerable difficulty. It is said that both masters and men are interested in the passing of the Bill, and that is true; but they are interested from different points of view, and, therefore, there may be a difficulty in disposing of them, except in Committee of this House. I would, however, propose that this Bill should be referred to a Select Committee, which should be so constituted as to represent all interests, in the hope that their efforts may succeed in narrowing to the smallest extent the differences which still prevail. It may then be possible to reduce the number of Amendments which now appear on the Paper, and, should there be then sufficient time still remaining at the disposal of the House, we might pass this Bill.

MR. BROWN, who had some Amendments on the Paper, was understood to approve this suggestion.

MR. MAGNIAC said, he could not consent to go into Committee on the Metalliferous Mines Regulation Bill unless it could be fully and fairly considered. There were many points on which the miners of particular localities were specially interested; but their opinions would have little weight at the end of a Session. Under the circumstances, he should prefer to go on with the Ballot Bill.

MR. GREENE remarked that the subject of regulating mines had been before the House for many Sessions, while the opinion of the country had never been asked about the Ballot Bill, on which not one-third of hon. Members were pledged to vote. It seemed, however, that all the legislation of the country must give way to that paltry, contemptible Bill. It was becoming clear to the country that the Government were theoretical and not practical, and were incompetent to conduct the affairs of the nation. Was not the position of the House becoming ridiculous? He recommended hon. Members to go home to their constituents, and to return to this House determined to pass measures of a more sensible character than the Ballot, which would destroy the straightforward character of Englishmen.

Mr. Disraeli

MR. GOSCHEN said, the Government could not accede to the suggestion of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), to take the Irish Education Vote the first thing to-morrow morning instead of the evening. After the Ballot Bill the first business that would be taken would be the Navy Estimates.

MR. J. LOWTHER suggested that the Parliamentary and Municipal Elections Bill should be referred to a Select Committee, as was proposed by the right hon. Gentleman in reference to the Mines Bills.

MR. C. B. DENISON desired to know whether it was the intention of the Government to postpone the consideration of the Navy Estimates until the Ballot Bill had passed through Committee? He could only say that if the Government persisted in any such intention, it would tend to produce on the House a feeling of uncommon exasperation.

MR. GOSCHEN replied that, as far as the Government could at present see, the Navy Estimates would be taken the first time the House went into Committee of Supply.

LORD HENRY LENNOX contended that the Question put by the hon. Member for the Eastern Division of the West Riding of Yorkshire (Mr. C. B. Denison) had received no answer. Would the right hon. Gentleman at the head of the Government do him the favour to give him a distinct reply? He might also observe that he could confirm what had that evening fallen from his right hon. Friend the Member for Tyrone—that the statement made by the Prime Minister was calculated to give rise to a very erroneous impression, for the fact was that as yet the Navy Estimates were almost untouched.

COLONEL BARTTELOT desired some information with respect to the course to be taken in connection with the inclosure schemes which had been before the House for the last three years.

MR. BRUCE replied, that one of the difficulties connected with the subject was that it was impossible to proceed with the inclosures until the House had decided the principles upon which the inclosures were to be made.

MR. G. BENTINCK asked the First Lord of the Admiralty to give an Answer to the Question that had been put to him relative to the Navy Estimates, or whe-

ther it was to be understood that the right hon. Gentleman declined to state when he should be prepared to go into Committee. The House ought to have a clear understanding on the subject.

LORD JOHN MANNERS said, the House should be distinctly informed whether the Navy Estimates were not to be brought forward until after the Ballot Bill had been disposed of.

MR. GLADSTONE said, it was impossible then to name a day.

LORD JOHN MANNERS said, the right hon. Gentleman had intimated across the Table that it was impossible then to name a day. That was not the Question that was put to the Government, but whether the Navy Estimates were to be delayed until the Ballot Bill had been disposed of. He hoped the right hon. Gentleman would inform one of his Colleagues, and let him state it to the House.

MR. W. E. FORSTER said, the only answer the Government could give was, naturally, that they would make the Business they had in hand their first consideration. They could not say how long the business would take, and therefore it was impossible to say, until they found what time they had at their disposal, what other business they would be in a position to take.

SIR JAMES ELPHINSTONE said, the Government appeared to make the Business of the House as disagreeable as they possibly could. The question of the unfortunate loss of the *Captain*, concerning which Motions had long been on the Paper, as well as the great question of the construction of our ships, were at least as important as the business that they were nightly in the habit of discussing. Owing, however, to what he might term the obstinacy of the Government, the right hon. Gentleman had hitherto not yet been able to pass a single measure; and the right hon. Gentleman, to punish the House, had determined to keep them there as long as his royal pleasure dictated, and to inflict upon them as great inconvenience as possible to induce them to submit to the course prescribed by his tyrannical Government.

MR. ST. AUBYN asked, whether it was the intention of the Government to refer the Metalliferous Mines Bill to the same Committee as that which was to be appointed to deal with the subject of Coal Mines?

MR. BRUCE replied, that the same reasons for referring the latter Bill to a Select Committee did not prevail in the case of the former measure. In any case they would not be referred to the same Committee.

Bill withdrawn.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL.) (re-committed) BILL.—[BILL 103.]
(Mr. William Edward Forster, Mr. Secretary

Bruce, The Marquess of Hartington.)

COMMITTEE. [Progress 14th July.]

Bill considered in Committee.

(In the Committee.)

Mode of taking the Poll.

Clause 3 (Regulations as to polling.)

MR. CAVENDISH BENTINCK, in rising to move the substitution of the word "each" for "the" in the first line of the 2nd sub-section, said, that the object of this and the other verbal Amendments he proposed to make was that the returning officer should provide a separate voting paper for each candidate. He believed that this would be a convenient opportunity for the right hon. Gentleman who had charge of this measure to explain what mode he intended to employ for the purpose of taking this vote by ballot, for upon that point the Committee were still in the dark. *The Times* of that morning, in an article on the subject, had described it as

"The rudest form of compulsory secret voting that it was in the power of a Parliamentary draftsman to imagine,"

and that description he maintained to be thoroughly accurate. He might add that in spite of the chaos in which they were left on Friday afternoon last, none of the Law Officers of the Crown were now on the Treasury bench, and the right hon. Gentleman was deserted even by the hon. and learned Gentleman the Member for Taunton (Mr. James), who had hitherto so frequently acted as *amicus curiæ*. He maintained that the Amendment he now begged leave to move would tend to avoid mistakes, and would be more easily dealt with by the electors.

THE CHAIRMAN intimated that the Amendments placed in his hands were not those to carry into effect the objects which the hon. Gentleman contemplated.

MR. W. E. FORSTER said, he would not attempt to defend the drawing up of the Bill in all its details, but would be ready at any moment to answer any questions respecting it. The objects of the Government, shortly, were that the voter upon going in should receive from the returning officer, and from no one else, his voting paper; that the same official paper should be used by every voter; that the voter should vote in secret; and that the vote should be finally stamped before being put into the box. It was possible that the mode of voting suggested by the hon. Gentleman (Mr. Cavendish Bentinck) might be more easily understood than the Government proposal; but the vote, if so given, would also be more easily detected by those who might desire to influence the voter, and it would have the effect of degrading vote by ballot, as it would destroy the secrecy of the proceeding; and for that reason it was impossible for the Government to agree with the Amendment.

MR. BERESFORD HOPE thought the hon. Member's (Mr. Cavendish Bentinck's) proposition worse than the Government's. It was open to two objections. The stupid voter would not understand it, and the knave would find means of getting unused voting papers into the box.

MR. CAVENDISH BENTINCK said, his experience at the last election for the Corps Legislative proved that the vigilance of the returning officer's representatives would prevent fraudulent voting.

LORD JOHN MANNERS said, he was in favour of prescribing the form in which the votes should be given to prevent a recurrence of what occurred in connection with the voting for the school board, when in Marylebone alone 600 votes had been lost. The word "Ballot" having been struck out in the Lords the Amendment was agreed to on the Motion of the right hon. Gentleman (Mr. W. E. Forster), who, on the eve of the election, issued purely on his own authority a ukase, prescribing minutely how the votes should be given and recorded, and making infringement of his orders penal.

MR. ASSHETON CROSS suggested that a simple form of ballot paper ought to be issued by the returning officer; that they should be all printed in the same type and on the same paper; and

that there should be some precaution taken to guard against the use of spoiled papers.

MR. W. E. FORSTER remarked that his object was to make the process of voting as simple as possible, and asked that any suggestions hon. Members might desire to make with that object should be put in writing.

MR. NEWDEGATE said, he should support the Amendment because he believed it would secure to the voter that power of discrimination among a number of candidates from which he would be practically debarred by the evil practice of ticket voting as it prevailed in the United States.

MR. W. E. FORSTER, on the contrary, said, the proposition in the Bill would more surely prevent ticket voting, because the official voting paper handed to the voter would contain the names of all the candidates instead of only those put forward by a single party.

MR. NEWDEGATE said, in explanation, he desired the paper to be official, but to contain only one name.

MR. J. LOWTHER said, he did not think the objection of the hon. Member for Cambridge University (Mr. Beresford Hope) had yet been met—namely, that a voter would have the opportunity of helping himself to spoiled papers, and of using them dishonestly. As a proof of the danger attaching to that proposal, he might mention that in the progress of the *plebiscite*, in reference to the transfer of Savoy and Nice to the French Empire, the official presiding over one division, finding that the voters did not come to the poll, assuming that “silence gave consent,” placed all the affirmative papers into the electoral urn. He hoped his right hon. Friend the Vice President of the Council would guard against any difficulty of that kind. The regulations should be put in some conspicuous position, for no object could be gained by printing minute details upon the actual paper. [“Order!”]

MR. CAVENDISH BENTINCK considered that his Amendment raised an important principle. In past Sessions the hon. Member for Carlisle (Mr. E. Potter) and his friends had frequently advocated the adoption of the system in operation at Maryport and some other seaport towns, and therefore his proposition was entirely in accordance with precedent.

Amendment negatived.

MR. KAVANAGH, in the absence of his Colleague the hon. Member for Carlow (Mr. Bruen), proposed an Amendment to insert in page 3, line 19, after “shall,” the words, “be endorsed personal-tender ballot paper.”

MR. W. E. FORSTER said, he understood that the hon. Member for Carlow intended to bring up a new clause on that point.

Amendment, by leave, withdrawn.

MR. G. B. GREGORY said, an Amendment appeared on the Notice Paper in his name on the subject of personation. The question had been really discussed, however, on an Amendment previously moved, and he would not, therefore, reopen the discussion, though he thought his scheme simpler and more effective than that which had been before the Committee. At the same time he wished to repeat his impression that personation was one of the most serious defects of the Bill.

MR. CHARLEY proposed at page 3, line 20, to leave out “as near as may be in alphabetical order,” in order to insert “in the order of nomination.” He believed that under the clause, as it now stood, much confusion would arise in the distribution of votes, and not only that, but he had an insuperable objection to mixing up Liberal and Conservative candidates.

MR. W. E. FORSTER said, he would agree to omit from the words “as nearly as may be in alphabetical order” the words “as nearly as may be.”

MR. CHARLEY moved that in line 20, the word “alphabetical” be left out. He said it was always a matter of courtesy that the sitting Members should be first proposed, and then the candidates whose addresses had been first issued.

Amendment proposed, in page 3, line 20, to leave out the word “alphabetical.”
—(Mr. Charley.)

Amendment agreed to.

MR. W. E. FORSTER said, he understood the hon. and learned Gentleman the Member for Salford (Mr. Charley) to move that the word “alphabetical” be omitted in order to insert “the order of nomination.”

THE CHAIRMAN: No; the Motion is simply to omit the word “alphabetical.”

[Committee—Clause 3.]

MR. W. E. FORSTER said, he would in that case agree with the hon. Member, because he himself intended to propose the omission of the word "alphabetical" in order to insert the word "such."

MR. E. POTTER said, he also objected to the alphabetical order, and recommended that the arrangement should rest with the returning officer, or that each candidate should stand first upon an equal number of cards.

MR. W. E. FORSTER suggested that the order should be determined by lot by the returning officer.

MR. GOLDNEY strongly objected to that, and thought the best course would be to follow the order of nomination. Perhaps the difficulty might be got over by printing the names in a line instead of one under the other.

SIR STAFFORD NORTHCOTE said, they would go to a division under very awkward circumstances if the word "alphabetical" was to be struck out; and they did not know what word was to be put in its place. He thought it might be very fairly open to the consideration of the Committee whether it would not be better to amend the principle of the alphabetical arrangement than to adopt the principle of selection by lot, which of all the proposals was one of the least satisfactory. There was something in alphabetical order, because the voters generally would know who the candidates were, and whether their own man stood first, or third, or fourth. There was also something to be said in favour of the candidates being placed in the order of their nominations.

MR. W. E. FORSTER said, that the Amendment of the hon. and learned Member for Salford (Mr. Charley) was open to objection. He had no objection to the candidates being arranged alphabetically if the Committee preferred it; or, suppose they agreed that the order should be determined by lot, he would undertake that the order in which they stood should be published immediately.

MR. M. CHAMBERS said, he strongly contended for the arrangement by alphabetical order, which would give one uniform method throughout the kingdom, and was not capable of giving rise to disputes.

MR. CANDLISH said, that he should vote in favour of the Amendment.

MR. W. E. FORSTER said, he elected to abide by his original proposal that the

names should be placed in alphabetical order, which seemed to find most favour, and, therefore, he must divide against the Amendment of the hon. and learned Member for Salford (Mr. Charley) proposing the order of nomination. However, he promised to consider the suggestion of the hon. and learned Member for Chippenham (Mr. Goldney), that the names should be printed from left to right, instead of from top to bottom.

MR. G. BENTINCK said, he thought that the discussion which had taken place showed that the Bill was very imperfectly drawn.

MR. ILLINGWORTH said, he believed that the Amendment proposed by the hon. Member for Carlisle (Mr. E. Potter) would prevent any one candidate having the slightest advantage over any other candidates.

SIR STAFFORD NORTHCOTE said, he was afraid that many of the electors would not know which of the candidates was of their own party, and to obviate that difficulty, he suggested that the names of the candidates should be printed in such colour as they might choose.

MR. W. E. FORSTER said, he could not accede to the suggestion, which he could assure the right hon. Baronet, he had, prior to that evening, had under his consideration. He objected to recognising in an Act of Parliament the old system of candidates of different parties assuming particular colours.

MR. CHARLEY said, that he had an insuperable objection to separating the names of candidates of the same political opinions. They might adopt the system of lot in reference to nominations, so that the parties getting first there should not necessarily have precedence.

THE CHAIRMAN said, that he should, in the first instance, put the question, that the word "alphabetical" should be omitted.

Question put, "That the word proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 71; Noes 16: Majority 55.

MR. LEATHAM moved, in page 3, line 20, after "order," to leave out to end of line 22. He did so with the object of simplifying the method of voting by enabling the voter to scratch out the names of those he did not vote for, instead of making crosses and squares.

The Bill proposed the South Australian method. He approved the Victorian method, which had been adopted by three other colonies.

LORD JOHN MANNERS said, he thought it was of great importance that the addresses and descriptions of candidates should be inserted, as otherwise much confusion would be likely to arise; for that reason he should oppose the Amendment.

MR. M'MAHON said, the omission suggested had been proposed from the fact that the descriptions and residences of the candidates had been left out in the South Australian Code, and had been found to work well. He had placed on the Paper an Amendment, the object of which was to provide that the names of the candidates should be printed in alphabetical order, with their residences, as was done in South Australia.

MR. BERESFORD HOPE said, he must oppose the Amendment, as the plan of striking out names would, in his opinion, produce much misunderstanding. He hoped the printed square would be retained.

MR. W. E. FORSTER said, that if they omitted the residences and descriptions, they would certainly have to provide for the case of two candidates of the same name. If they went into the question of whether the name should be struck out or inserted in a square, they might discuss it till the middle of September. It was a matter of comparatively small importance, and he should recommend hon. Members who wished to argue it, first to read the celebrated discussion in *Gulliver's Travels* between the Big-endians and the Little-endians. On the whole, he thought, to make the matter more certain, they had better retain both the description and the square.

MR. GOLDNEY said, he thought it essential that the addresses and descriptions of the candidates should be given, and therefore he must oppose the Amendment.

MR. LEATHAM said, that as regarded the first part of his Amendment, the difficulty had been met by the proposal of his right hon. Friend the Vice President of the Council as to two candidates of the same name coming forward. He therefore would withdraw that portion of his Amendment, and

with regard to the other portion he proposed to follow the same course.

MR. ASSHETON CROSS said, it was important that the voter should be able to see at a glance the name of the person for whom he intended to vote, and therefore the cross should be placed close to the name. The surname should be printed in large type, and where there were more than one candidate of the same name then give the Christian name, and let the two be printed in different size type. Printing the names in colours would lead to fraud.

MR. W. E. FORSTER thanked the hon. Member for Huddersfield (Mr. Leatham) for withdrawing his Amendment. He thought the schedule might be improved, and he would undertake to give the matter his consideration, with a view to making it as simple and clear as possible.

SIR HENRY SELWIN-IBBETSON advocated the adoption of colours because, from the ignorance of many electors, they would, he feared, when left alone, either vote for the first two names on the list, or give votes which would be invalid.

Amendment, by leave, *withdrawn*.

MR. GOLDNEY proposed an Amendment relative to the position of the square on the voting paper.

MR. W. E. FORSTER said, the Amendment had better not be pressed until he had brought up a new schedule.

Amendment, by leave, *withdrawn*.

Amendment proposed,

In line 22, after the word "square," to add the words "with a number corresponding with such alphabetical order inserted in such square."—
(*Mr. M'Mahon.*)

MR. W. E. FORSTER said, he saw no objection to the addition. There would be an advantage in electors knowing before the day of election the number as well as the names of the candidates.

MR. ASSHETON CROSS said, the objection was that the numbers would not be known before voting.

MR. BERESFORD HOPE objected, on the ground that the difficulties of the uneducated voter would be increased by the squares being occupied by figures.

[*Committee—Clause 3.*

Mr. J. LOWTHER also objected to the Amendment.

Mr. W. E. FORSTER said, if it was not already provided in the Bill, he would undertake there should be a provision to the effect that the form of the voting paper should be published as soon as possible after the nomination.

Question put, "That those words be there added."

The Committee divided:—Ayes 89; Noes 55: Majority 34.

SIR HENRY SELWIN-IBBETSON moved to insert at the end of the clause, the words "and the squares opposite the candidate's name shall be printed in the colours of the candidates," in order to enable illiterate voters, who would otherwise be at the mercy of the returning officers, to record their votes correctly and by the simplest method.

Amendment proposed,

After the words "inserted in each square," to add the words "and the squares opposite the candidate's name shall be printed in the colours of the candidate."—(*Sir Henry Selwin-Ibbetson.*)

Mr. W. E. FORSTER said, the Bill sufficiently provided a method simple enough to enable a voter to know whom he voted for. Whether it did or not, the Government strongly objected against any recognition of colours under that Bill.

Mr. BERESFORD HOPE maintained that the use of colours to distinguish the candidates would provide the easiest method, and it was highly important the people should have every assistance in recording their votes that could be given to them.

Mr. MONK said, he must express a hope that his right hon. Friend the Vice President of the Council would give way upon this point. Both the educated and the uneducated voters in the constituencies generally voted a great deal according to colour.

Mr. WHEELHOUSE observed that colour was one of the most essential things in guiding the voter to a proper vote that could possibly be imagined.

Mr. W. E. FORSTER said, he was sorry that he could not accede to the appeal that had been made to him by his hon. Friend the Member for Gloucester (Mr. Monk); but he did not wish to embody in an Act of Parliament the notion that a large mass of voters

thought more of colour than anything else; and he believed there would be practical difficulties in the way of carrying out that proposal. In Ireland, for instance, colours were not hoisted at elections, but if that Amendment were accepted, orange and green colours would be used in that country, and that circumstance would not assist to the orderly conduct of elections.

LORD CLAUD HAMILTON said, the fact that a public display of banners and colours was not permitted in Ireland supplied no argument against that Amendment.

Mr. TIPPING said, he knew that the humbler class of voters did not vote for individuals, but more frequently for colour. So long as they had government by party, considerations of colour must enter into elections.

Mr. ASSHETON CROSS said, he was of opinion that if hon. Members opposite objected to that Amendment, which would enable the elector to vote conscientiously, they had no faith in the principle of the Ballot. Even with the use of colours the voting would still be secret, and as it was important that the less intelligent voter should know how to record his vote, he should support the Amendment.

LORD JOHN MANNERS said, the right hon. Gentleman the Vice President of the Council was mistaken in supposing that the Amendment was put forward because they believed voters cared more for colour than for anything else; but colour would symbolize a principle, and the Amendment supplied a practical means of assisting the voter. Unless that suggestion should be adopted, the Bill in that, as well as in other clauses, would act as a disfranchising measure. Under the present system every effort was made to secure a free and satisfactory exercise of the franchise, but the plan proposed by the right hon. Gentleman would render voting odious. The Amendment was eminently calculated to secure a due exercise of the franchise.

Mr. CAVENDISH BENTINCK observed that when the right hon. Gentleman at the head of the Government returned to the House, after a lengthened absence, he was no doubt surprised to find that much of the opposition which had prevented the progress of the Bill had come from his own side of the House. ["Order!"]

THE CHAIRMAN said, the hon. Member for Whitehaven must confine himself to the question before the House.

MR. CAVENDISH BENTINCK, continuing, said, he would point out that the objection raised to that sub-section was that it provided no satisfactory mode by which a man who was "incapacitated" could give his vote properly. The right hon. Gentleman in charge of the Bill said he had a remedy which would be found in the 8th sub-section of the 9th clause, but his interpretation of the effect of the provision was erroneous. In order to get the right hon. Gentleman out of his difficulty, he would make a suggestion founded on a principle which the right hon. Gentleman had already enunciated. ["Oh, oh!"] He suggested as a means of obviating the objection to the use of colours, as party colours, that the returning officer should be instructed to choose certain colours to represent the candidates, and that these colours should be apportioned by lot to the different candidates.

MR. JAMES said, the Amendment, while it sounded very well in theory, the Committee would see that it was perfectly impracticable. Who was to select the colours? If there were ten candidates, and if any two or three choose the same colour, what then? How were the colours to be distributed? [A VOICE: By lot.] And who was to determine between them? The adoption of such a proposal would give rise to a great amount of confusion, and instead of enlightening the voter, it would produce the greatest perplexity in his mind. Those hon. Gentlemen who said that the persons who had been admitted to the franchise by the Reform Act were fit to exercise the vote, now told the House that they were unable to read, and required the aid of colours to enable them to exercise their right.

MR. J. LOWTHER said, he would always protest against any educational standard being set up. The Bill provided that—

"Persons who were blind or otherwise incapacitated might apply to the presiding officer to fill up their printed papers,"

and he wished to know if the words "otherwise incapacitated" included persons who could not read. [Mr. W. E. FORSTER: No.] He could not understand why, if the privilege was given to blind persons, it was not also given to

persons who could not read. Now, if a voter could not read, would any hon. Member stand up and say that he could vote in the manner prescribed by the Act? He was going to propose that the sub-section to which his remarks were applicable should be amended, so that an elector who wished his ballot-paper to be filled up might have it done by the returning officer.

MR. W. E. FORSTER said, he thought the hon. Member for York (Mr. J. Lowther) could only expect one answer to that suggestion. If it were adopted the result would be to defeat the object of the Bill, because any undue influence exercised on the voter might oblige him to state his willingness to allow the returning officer to fill up his paper. If the hon. Member for Whitehaven (Mr. Cavendish Bentinck) had attended to the progress of that Bill, he would have been aware that he (Mr. Forster) had already answered the question whether the words quoted included a person who could not read or write, when he had stated that they did not.

MR. DISRAELI: It seems to me that this is a disfranchising Bill. There seems to be an attempt on the part of the right hon. Gentleman the Vice President of the Council to establish what I shall be always opposed to—an educational test in the exercise of the suffrage. Now, it is not every man who can read or write. I know able men who cannot read or write, and I should be sorry to deprive them of the privilege of voting. This Bill is framed in total ignorance of human nature, and I am certain if we are persuaded to pass this measure in this crude state the whole country will laugh at us.

COLONEL STUART KNOX said, the right hon. Gentleman opposite (Mr. Forster) had sneered at the colours used in Irish elections; but the reason why colours had had a bad effect in Ireland was, that the party to which the right hon. Gentleman belonged had always tried to put one set against another. The confusion which took place in elections in Ireland was because the Government, and the party the right hon. Gentleman belonged to, set one party against another for their own private purposes.

MR. G. BENTINCK asked why Government was so strongly opposed to colours. Some of them had shown very great versatility on the question of colours,

and he could not understand what objection there could be to colours. This clause should be postponed, as the right hon. Gentleman who had charge of the Bill had no remedy to propose, in order that some means might be devised for obviating the difficulty, which had been stated, to the clause.

SIR HENRY SELWIN-IBBETSON said, he had no idea, when his Amendment was proposed, that it would give rise to such a discussion, and the arguments which had been used against it had not convinced him of the necessity of withdrawing it.

MR. VANCE said, that it would be desirable to distinguish the candidates in Ireland by colours.

MR. LEA said, he must point out that if they allowed a candidate to impress his colours on the voting papers he would display them also on flags and banners, and in that way the old election practices would be revived. He hoped the Government would not accede to the Amendment.

Question put, "That those words be there added."

The Committee divided:—Ayes 122; Noes 187: Majority 65.

MR. CAVENDISH BENTINCK said, that sub-section 3 was really only surplusage, and therefore he would move its omission.

MR. W. E. FORSTER said, that he did not think that the sub-section was necessary, and to propitiate the hon. Member for Whitehaven he would consent to the Amendment.

MR. BERESFORD HOPE said, that the candidates' names were to be printed on the papers, but a candidate might subsequently be withdrawn. If his name still continued upon the papers, and he were elected, how then would the matter stand?

Amendment agreed to; words struck out accordingly.

THE CHAIRMAN said, he wished to call the attention of the hon. Member for West Norfolk (Mr. G. Bentinck) to the Amendment of which he had given Notice. It was, of course, competent for the hon. Gentleman to move to omit sub-section 4, but it was not competent for him to move to insert the words which he proposed. The same objection applied to the Amendment of the

hon. and learned Member for Tipperary (Mr. Heron), inasmuch as the clause in question was one dealing exclusively with the regulations as to the mode of taking the poll. The Amendments, then, to which he referred should be made the subject of another clause.

MR. G. BENTINCK said, he was then at a loss to know how he could amend the clause by substituting the words he proposed for sub-section 4, which he wished to have struck out, and which proposition he would move accordingly.

MR. W. E. FORSTER said, he must remind the Committee that he had undertaken to amend the clauses by providing for a larger number of polling-places. He hoped in a short time to be able to lay upon the Table the Amendment which he proposed to make, and he therefore hoped the Committee would postpone any further discussion upon it until they saw the clauses which the Government proposed to insert in the Bill.

THE CHAIRMAN said, he must take the same exception to the Amendment of the hon. Member for Westminster (Mr. W. H. Smith) as he had to that of the hon. Member for West Norfolk (Mr. G. Bentinck), and to that of the hon. and learned Member for Tipperary (Mr. Heron), because it did not relate to the mode of taking the votes on the polling-day, but to the making out of the list of voters. The Amendment was perfectly relevant to the Bill, though not to the subject-matter of that clause.

MR. W. H. SMITH said, he would withdraw his Amendment.

MR. CAVENDISH BENTINCK then moved the omission from sub-section 5 of the words "the returning officer shall provide for every polling station a compartment." He objected altogether to compartments. He could not conceive anything more contrary to the practice of an Englishman voting for a Member of Parliament or a town councillor in any other than an open and distinct manner. He was in future to be sent into a compartment to grapple with materials of which he had no previous knowledge. At Whitehaven they were not adopted, although the Ballot had been in operation there at municipal elections ever since the year 1708. Although he was himself opposed *in toto* to secret voting, he must admit that

Mr. G. Bentinck

under the system practised at Whitehaven for more than 160 years no election had been disputed, and there had been no cases of fraud. It was the system adopted in various clubs in this country, and was well understood.

Amendment proposed,

In line 31, to leave out the words "the returning officer shall provide for every polling station a compartment."—(*Mr. Cavendish Bentinck.*)

MR. W. E. FORSTER said, the Government must adhere to the proviso as to compartments, in order that the electors might vote in secret. The system had been tried in Australia and found to work well.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 220; Noes 143: Majority 77.

MR. G. BENTINCK moved to leave out words from "compartment," in line 32, sub-section 5, to "allotted," in line 34, the object of the Amendment being to prevent crowding. As the clause stood, as many as 1,500 persons might be assembled together.

Amendment proposed,

In line 32, to leave out the words "or such number of compartments as will give at least one compartment to every one hundred and fifty electors to whom such polling station is allotted."—(*Mr. Bentinck.*)

MR. W. E. FORSTER hoped the proposition would not be pressed, as he did not think it affected the general question.

SIR HENRY SELWIN-IBBETSON thought the clause required some Amendment, even if all the objections raised by his hon. Friend the Member for West Norfolk did not apply to it.

VISCOUNT ROYSTON asked, whether the right hon. Gentleman the Vice President of the Council expected that voters could be told off like sheep to a pen.

MR. W. E. FORSTER replied there would be no telling off. If there were 450 voters to be provided for, the returning officer would simply have to provide three compartments.

VISCOUNT ROYSTON wished to know how they could get a person of such a mathematical mind as to carry out an arrangement of that kind.

SIR JAMES ELPHINSTONE believed the plan as proposed by the right hon. Gentleman to be impracticable.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 219; Noes 115: Majority 104.

MR. J. HARDY moved that the Chairman report Progress.

Motion, by leave, *withdrawn*.

Amendment (*Mr. Cavendish Bentinck*) in page 3, line 34, leave out from "and" to "paper," in line 40, *agreed to*.

MR. J. LOWTHER moved to report Progress.

MR. W. E. FORSTER said, the hour was not late (12.15), and the Committee seemed to be just getting into the spirit of the Bill, but he should not resist the Motion.

Motion *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

SUPPLY—REPORT.

Resolution [July 14] *reported*.

"That a sum, not exceeding £268,122, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1872, for Public Education under the Commissioners of National Education in Ireland."

MR. DISRAELI said, that it would be very inconvenient at that hour to commence the discussion upon that Vote, because it could only lead to the debate being adjourned; and if the Government could give them to-morrow, after a certain hour, it would be far more agreeable, and there would be, he was convinced, as much progress made under those circumstances as under any other. He hoped that the right hon. Gentleman at the head of the Government would make some conciliatory statement upon that matter, because it could hardly be supposed that that Vote would be agreed to *sub silentio*. The proposal that the discussion should be taken upon the Supplementary Vote could hardly be made, except in ridicule, for the prospect of being able to deal with so large a question upon a

Supplementary Vote in Committee was not encouraging. It had been stated early in the evening that the attention of the Committee of Supply would first be drawn to the Votes connected with the Navy, and it would be, therefore, like postponing to the Greek Kalends any serious discussion upon the Irish Education Vote. He hoped, therefore, that the Government would, at all events, meet them half-way upon that question, and they would endeavour to condense their observations as much as possible.

MR. GLADSTONE said, he would agree that the present occasion was not the most convenient mode of taking the debate; but the hon. and learned Member for Dublin (Mr. Plunket) had given Notice that he would deliver his statement upon the Report of the Vote, and therefore it rested with that hon. and learned Gentleman to do so or not, as he should think fit. There was certainly nothing like ridicule intended, because the Chairman of the Committee had declared that the discussion could be taken in Committee. His objections to dividing the Morning Sitting between the Ballot Bill and the Irish Education Vote were two—first, that as regarded that which was said to be marked out as the special subject of discussion—namely, the provision made by Government with respect to the National School teachers, the Irish Education Vote was not urgent in point of time; and, secondly, he did not think that to divide the Morning Sitting would be a good method for securing progress either with the Ballot Bill or the Irish Education Vote. He did not at all agree in the observation about the Greek Kalends, and he could only say that the Government would do all that they could to promote the dispatch of Public Business. They would wait to hear whether the hon. and learned Gentleman was disposed now to make his statement, though he thought the best course would be to adhere to the understanding come to on a former evening, and take the general debate when the Supplementary Vote was proposed in Committee. The time of the Committee could not now be fixed, because it was necessary to make progress with the Ballot Bill, and when they did reach Supply the Naval Vote would be the one with which it would be proper, in the first instance, to proceed.

Mr. Disraeli

MR. PLUNKET said, that it was with the utmost reluctance that he must trespass upon the House at that late hour, but he had no choice. Many persons interested in the Irish Education Vote had been long looking forward to an opportunity to discuss the whole question. There was an increase in the sum to be voted for school teachers; not to raise the salaries of the teachers, but to meet certain additional expenses. Two or three years ago a Royal Commission was appointed to inquire into the question of primary education in Ireland. That Commission brought up its Report early in the year 1870. Amongst the many valuable topics referred to were those connected with the status and payment of the National School teachers. Now, there was great hardship in the present position of those teachers. A deputation, at considerable expense, from Ireland waited upon the right hon. Gentleman at the head of the Government on this subject; but although the members of it were courteously received by the right hon. Gentleman, nothing came out of it. Questions were over and over again asked in that House in reference to that subject, but the invariable answer given to them was, that the time for considering them was when the Estimates relating to Irish education came on for consideration. Well, the Estimates did come on at length, but not until half-past 12 o'clock on a Saturday morning, when the House was utterly exhausted after a most fatiguing week's business. The recommendations of the Commissioners were very numerous, and amongst them were these—namely, that the pay of the National School teachers was wholly insufficient to secure the best candidates, and the most efficient teachers, and that it ought to be raised; that there should be three classes of teachers—the first class of male teachers £38, the second £30, and the third £24; that there should be a desirable residence in each of those schools for teachers of the first class, such residence to be rent free; the ordinary repairs of it to be made by the teachers themselves, but the permanent repairs to be effected by the locality; that the powers of appointing and dismissing those teachers should be in the hands of the local managers; and that as a condition of State aid, the managers should enter into a contract with the teacher specify-

ing his duties and emoluments, and containing a provision that the engagement should be terminable on three months' notice given by either party. He (Mr. Plunket) submitted that that was a question of enormous and serious importance, and therefore it demanded the immediate consideration of the Government and Parliament. The Commissioners further reported that as regarded the second and third classes of teacher, the wages given them were very little above that of the labouring man. The only addition made by the Government to the salaries of those men was a miserable £1, which was confined to the third-class teachers; and those of the second and the first classes received not even that paltry amount; while the noble Lord the Chief Secretary, moreover, had not taken the least notice of the recommendations of the Commissioners concerning their residences, their pensions, or their status in case of dismissal. He had no alternative but to bring the question on at that unreasonable hour of the night, as no other opportunity would be afforded him by the Government; but he could not help saying that the Government ought to state their intentions more fully, and the House ought to have an opportunity of fully debating them. It was not his desire to diminish the present Vote. On the contrary, he desired to add a little more to it, in order that something like adequate compensation might be given to those unfortunate teachers.

SIR FREDERICK W. HEYGATE said, he was sorry to take a course that would appear as if he opposed the Board of National Education in Ireland, but there would be no opportunity of discussing that question after that night. He believed the Government desired to see the position of the National School teachers improved, but there were other matters that required consideration—such as the management or control of the schools. It was only reasonable that the teachers should have due notice before they were discharged; but they went too far when they asked to be considered as civil servants and without the control of the Board. He regretted the small amount of local interest that was felt on the subject, from the amount of local contributions amounting only to 17·7 per cent, leaving 82·3 per cent to be contributed by the State. In Ulster

there appeared to be more local support given to them than in the other Provinces in Ireland. The proposal of the Government to increase the remuneration of the third-class teachers would create unpleasant feelings amongst the other two classes above them. The total number of children attending the schools was returned at 998,991—a remarkable fact when it was said this system of education had failed. The increase of 7,630 in the number of scholars, and only an increase of 639 attendances, led him to doubt the accuracy of the figures. The proposal of payment by results was not fully understood by the teachers; and with regard to the Rule that any change in the Rules of the House should be laid on the Table of the House before they became law, that would have the effect of giving confidence in the national system of education in Ireland. He would suggest the postponement of the Vote, in order that a better scheme of remuneration might be devised for the teachers.

THE MARQUESS OF HARTINGTON said, he quite agreed that it was necessary to increase the salaries of teachers. The Government, however, did not think that the recommendations of the Commissioners could be discussed in the present Session. It was impossible that the Government could deal comprehensively and finally with these recommendations without dealing with the subject of Irish education as a whole. The hon. and learned Gentleman (Mr. Plunket) had omitted to inform the House that the Commissioners stated that in their opinion the whole of the proposed increase in the salaries of the teachers should not be paid by the State. Such a question, and the proposal of a national rate in aid, would evidently raise the whole subject of Irish education. The Government proposed, therefore, to postpone the subject till next year, and the Queen's Speech notified that that course would be taken. It was not likely that the proposal now made would satisfy the teachers, but the Government did not put forward that as a final settlement. No doubt much yet remained to be done in order to ameliorate the status and pay of the teachers; but that was in great part the fault of the Irish people, for it was always contemplated that local sources should contribute towards the teachers' salaries. The proposal of the Government was a temporary one, and

he hoped hon. Members would be prepared to discuss it as such upon the Supplementary Estimate.

MR. RAIKES said, the teachers considered that the most obnoxious part of the regulations affecting them was the arbitrary managerial control to which they were now subjected, and he regretted that the noble Lord the Chief Secretary for Ireland had not found time to deal with it. Some 6,000 of them had presented a Petition to the right hon. Gentleman at the head of the Government on that and other points. What satisfaction was it to them to be told that the Government had the subject under consideration, and would, perhaps, deal with their grievances in the next Session?

MR. M'CARTHY DOWNING said, he was relieved to hear from the noble Lord the Chief Secretary for Ireland that his present proposal was not put forward as a final measure of justice to that deserving class of persons.

MR. MAGUIRE said, that, notwithstanding the declaration of the right hon. Gentleman at the head of the Government, the Catholics of Ireland were determined to impress on every Government of every party, that an education based on religion was most in accordance with their feelings and wishes.

Resolution agreed to.

SUNDAY OBSERVANCE PROSECUTIONS BILL—[BILL 235.]

(*Mr. Secretary Bruce, Mr. Winterbotham.*)

SECOND READING.

Order for Second Reading read.

MR. T. CHAMBERS said, he strongly objected to the indirect repeal, by means of that Bill, of the Act of Charles II., which constituted the only legal recognition of the sanctity of the Lord's Day. The operation of the Act should not be left entirely to police officials, but the public should have some voice in the matter.

MR. GLADSTONE said, it was the intention of the Government to leave the door open for something of the nature proposed by the hon. and learned Gentleman the Member for Marylebone.

Bill read a second time, and *committed for Thursday.*

The Marquess of Hartington

PUBLIC LANDS AND COMMONS BILL.

On Motion of SIR CHARLES DILKE, Bill to provide for the better security of the rights of the Public in Lands and Commons, and to amend the Law relating to the disposition of real estate to uses called charitable, *ordered to be brought in* by SIR CHARLES DILKE, Mr. TAYLOR, and Mr. MORRISON.

Bill *presented*, and read the first time. [Bill 252.]

SMALL DEBTS, &C. (IRELAND) BILL.

On Motion of MR. SOLICITOR GENERAL for IRELAND, Bill to amend the Law relating to the recovery of Small Debts and to Summary Jurisdiction in Ireland, *ordered to be brought in* by MR. SOLICITOR GENERAL for IRELAND and The Marquess of HARTINGTON.

Bill *presented*, and read the first time. [Bill 253.]

House adjourned at a quarter
after Two o'clock.

HOUSE OF LORDS,

Tuesday, 18th July, 1871.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Private Chapels (96); Dean Forest and Hundred of St. Briavels* (250); Charitable Donations and Bequests (Ireland) (258); Statute Law Revision (242); Local Government Supplemental (No. 4)* (247); Railway Regulation Amendment* (258); Glasgow Boundary* (199).

Committee—Public Schools Act (1868) Amendment* (249-265); Prevention of Crime (248-266).

Committee—Report—Oyster and Mussel Fisheries Supplemental (No. 2)* (183); Consolidated Fund (£10,000,000)*; Exchequer Bonds (£700,000)*; Pedlars Certificates* (252).

Report—Public Libraries (Scotland) Act (1867) Amendment* (241).

Third Reading—Clerk of the Peace* (180), and *passed.*

PRIVATE CHAPELS BILL—(No. 96.)

(*The Lord Lyttelton.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD LYTTTELTON, in moving that the Bill be now read the second time, said, that the measure, which had passed the other House with little opposition, had a two-fold application. The first portion of the measure extended to certain chapels more or less of a public

character that exemption from the control of the incumbent already granted to certain institutions. It empowered the Bishop to license a clergyman of the Church of England to perform the services of the Church in any chapel belonging to any college, school, hospital, asylum, or other public institution, being duly consecrated and licensed, and to administer therein the sacrament of the Lord's Supper, or such services as may be specified in the licence; but the licence did not extend to the solemnization of marriage. The clergyman so licensed was to be subject to no control or interference on the part of the incumbent of the parish or district; but without prejudice to the right of the incumbent to the entire cure of souls. The second part of the Bill applied these provisions to proprietary and other private chapels, the erection of which was sometimes thwarted by unreasonable opposition on the part of the incumbent. The Bishop, on being satisfied that the building was proper for the purpose, and that a sufficient stipend was provided, might license a minister to serve such chapel in the same manner as the first-named chapels. The Bishop was to give one month's notice to the incumbent of his intention, and in case the incumbent objected, was to transmit to the Archbishop his reasons for overruling his objections, and the decision of the Archbishop was to be conclusive. There was a provision with respect to pew-rents which he proposed to strike out in Committee.

Moved, "That the Bill be now read 2^a."
—(*The Lord Lyttelton.*)

THE ARCHBISHOP OF YORK said, the first part of the Bill referred to institutions of a public character, but under the second there might be two distinct churches in the same parish. In certain cases no doubt the working of the parochial system was too stringent, and he did not say that some modification might not be introduced into it; but our parochial system had been part and parcel of the system of the Church of England up to that time, and it ought not rashly to be parted with. This Bill would introduce a revolution into the Church of England, of which the clergy had had no notice whatever, and, influenced by these considerations, he now gave notice that in Committee on the Bill he should move

the omission of the 4th clause. One further remark he had to make—the noble Lord who had introduced the Bill was under the impression that proprietary chapels were consecrated, but that was not the case—they were usually merely licensed buildings.

THE MARQUESS OF SALISBURY concurred in the observations that had fallen from the most rev. Primate. The Bill in regard to the first three clauses might be harmless; but the 4th clause ought not to be passed without very much consideration and inquiry, as it would authorize the Bishop to make a raid into every parish and set up an opposition chapel against the parish church. He doubted whether cases of unreasonable obstruction on the part of the incumbents were sufficiently common to justify so sweeping a measure. Even if the 4th clause were passed, it ought to be accompanied by a more stringent definition of what was a private chapel.

THE BISHOP OF OXFORD thought it was hardly fair to say that the 4th clause would authorize the Bishop to make a raid into a parish, as it only empowered him to give a licence to a clergyman to perform service in a part of a parish which might have been theretofore entirely neglected. He could testify that there were many cases in which an incumbent did not do anything himself and would not allow anyone else to do anything—although a wealthy layman might offer to provide the pecuniary means—and the 4th clause of the present Bill would give the opportunity of remedying the serious neglect which occurred in some parishes. Nothing was more common than to hear a desire expressed for greater elasticity in the organization of the Church of England; and yet every measure brought forward with this object met with opposition at the hands of her friends. He should regret to see the clause struck out of that very useful Bill.

THE BISHOP OF GLOUCESTER AND BRISTOL said, he believed that in any case of insufficient ministrations for any hamlet an appeal by the Bishop to the incumbent would almost invariably be successful. The pecuniary means were frequently wanting; but where these were available he had never known an incumbent object, and instances of objection must be very rare. He had a strong objection to the clause, and hoped

their Lordships would not be induced to adopt it by the more favourable opinion expressed by his right rev. Friend who had just sat down. He also thought that care should be taken that services in chapels belonging to public institutions should be conducted mainly, at all events, for the inmates.

THE BISHOP OF RIPON hoped that, whatever might be done with the 4th clause, the earlier provisions would not be rejected. In the case of the chapels attached to infirmaries and other charitable institutions, no service could be carried on in them without the consent of the incumbent of the parish; but it was most important that services of a special character, adapted to the circumstances of the inmates, should be held in those institutions, and they would not in any way interfere with the exercise of the incumbent's rights. In his own diocese there was an institution to promote the temporal and spiritual welfare of discharged prisoners, and there it was specially necessary to have services adapted to the circumstances of the inmates; but the incumbent of the parish had stepped in and exercised his power to interfere with the ministrations of Divine worship, and thus a great injury had been inflicted on the spiritual and moral welfare of the inmates of the institution. He thought that chapels of this kind ought to be regarded as extra-parochial; and viewed in that light the Bill could not be considered as interfering with the parochial system.

THE LORD CHANCELLOR said, that inconvenience frequently arose from the incumbent's power of veto in the case of chapels connected with almshouses and other charities; it being sometimes interposed not from any bad motive, but from an old incumbent's indisposition to change. He should be sorry to see the parochial system broken up; but he thought the Bill contained sufficient safeguards in the shape of a notice to the incumbent and power of appeal to the Archbishop.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Monday* next.

The Bishop of Gloucester and Bristol

CHARITABLE DONATIONS AND BEQUESTS (IRELAND BILL—(No. 258.)

(*The Lord O'Hagan.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD O'HAGAN, in moving that the Bill be now read the second time, said, that its object was to give certain administrative powers to the Charity Commissioners of Ireland, and to make regulations with regard to their proceedings. The present Board consisted of five Commissioners, and as it was sometimes difficult to get five gentlemen together to gratuitously administer charitable funds, it was now proposed that three Commissioners should be deemed sufficient. Then there was a proviso inserted in the Bill with regard to the *cy prés* power of the Board. In a number of small charities it was found impossible to carry out precisely the intentions of the testators, and as the Commissioners had at present no powers to vary the strict application of the fund, they were by this Bill empowered, in the case of donations and bequests not exceeding £300 principal or £30 annual, to direct the trustees to apply the fund to such pious and charitable purposes as they shall judge to be best, having regard to the direction and intention of the donors; and in the case of larger charities the Commissioners were to apply for directions to the Court of Chancery, as provided by the 30 & 31 *Vict. c. 54, sec. 8*. There were many other provisions in the Bill relating to smaller matters, but he need not trouble their Lordships with them now. The Bill had been most carefully considered, and it was entirely approved by the Commissioners themselves.

Moved, "That the Bill be now read 2^a."
—(*The Lord O'Hagan.*)

THE EARL OF POWIS objected to some of the powers conferred on the Commissioners as too large. Some of the proposals of the Bill were unobjectionable; but others, he thought, were to be looked upon with suspicion.

THE MARQUESS OF CLANRICARDE feared there was little chance of the Bill passing through the other House, the Government having abandoned two more important Irish measures—the Debtors

Bill and the Bankruptcy Bill—though the first of these would have liberated persons now in prison under a system which had been amended in England. Those Bills, which had been long under consideration, might have been passed earlier in the Session by dint of a little energy and forethought, and he regretted their failure the more as the wish for "Home Rule" and the feeling that their interests were subordinated to party interests were every day extending among the people of Ireland.

EARL GRANVILLE said, the noble Marquess was irregular in referring to the progress of legislation in the other House on the second reading of this Bill; but he supposed the noble Marquess, like other persons who took an interest in any particular measure, was of opinion that it should be carried at the expense of other Bills. The noble Marquess must be aware that there had been some obstruction to legislation in both Houses, and the Government had thought it only fair to announce that Bills the passage of which was hopeless would not be proceeded with. Considering the amount of Irish legislation since the last General Election, the noble Marquess could not think Ireland had been neglected by the Government.

THE DUKE OF RICHMOND said, he was not responsible for whatever might have happened in the other House, and he was at a loss to know of any obstruction to legislation in this House.

EARL GRANVILLE said, he did not intend to re-open last night's debate; but the Amendment then carried by a considerable majority certainly amounted to an obstruction of legislation. ["Order!"]

LORD O'HAGAN, in reply, gave a short explanation.

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

STATUTE LAW REVISION BILL—(No. 242.)
(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that the measure carried the work of revision and expurga-

tion down to the Act of Union with Ireland, and repealed nearly 1,100 Acts and parts of Acts. The task commenced by Lord Westbury had been going steadily forward, and after some years of laborious work two volumes of the Revised Statutes had been published, bringing the statutes down to the 10th of George III. He could not, he was afraid, hope that the reduction in the subsequent volumes would be on so large a scale.

Motion *agreed to*:—Bill read 2^a (according to Order) and *committed* to a Committee of the Whole House on *Thursday* next.

PREVENTION OF CRIME BILL—(No. 248.)
(*The Earl of Morley.*)

COMMITTEE ON RE-COMMITMENT.

House in Committee (on Re-commitment) (according to Order).

Clause 5 (Convict holding licence to notify residence to police).

LORD HOUGHTON objected to the clause, which provided that convicts holding tickets-of-leave should be compelled to report themselves monthly to the police, under the penalty of having their licence revoked if they neglected to do so. It had been, he believed, the practice in that country to draw a positive line between a man who was actually under the action of the law, and a man who was placed in a position in which he was free to perform all the duties of a citizen. The power of supervision, however, which was given under the Bill simply meant that a man should be liable to be hunted down by the police, so that he could not possibly enter on any new course which would enable him to obtain an honest livelihood. Owing to it, in fact, a convict would be as completely under the operation of the law as if he were confined within the four walls of a prison, and would be led to look on the policeman as an enemy instead of a protector. In practice the system had not worked well, and he held in his hand a Report of the Surveyor General of Prisons which spoke of the present course of public policy as being directed principally to the hunting down of criminals. He should, therefore, advise their Lordships to express their disapprobation of that portion of the Bill to which he was referring. The noble Lord concluded by

moving, in page 2, line 20, to leave out from ("reside") to the end of the paragraph.

THE DUKE OF RICHMOND said, he hoped the noble Lord would not press his Amendment. He wished, however, to draw attention to the provision of the clause in accordance with which a holder of a ticket-of-leave would be obliged within 24 hours after his change of residence to notify that change to the chief officer of police of the district to which he happened to have removed. That was scarcely a sufficiently long time, he contended, to allow for the purpose.

THE EARL OF MORLEY concurred with the noble Duke in the opinion that 24 hours was rather too short a time; but it should be remembered that the notification of change of residence need not be by personal application, but might be conveyed by letter. There was also a proviso that it need not necessarily be made to the chief officer of police, but that it might be made as effectually to any person authorized by him. He was, however, prepared to extend the time. He begged, in reply to the noble Lord (Lord Houghton), to say that the change to which he objected was in accordance with the almost unanimous opinion of the Prisoners' Aid societies as well as of the chiefs of police. He did not at all see that there was anything in that provision at all calculated to prevent the persons implicated from obtaining an honest livelihood. There was no question of hunting down the holders of those licences, because they might make their applications by letter—so that they need not become marked men at the police stations. A monthly report was the only means by which the police could exercise the necessary superintendence over the criminal classes.

Amendment negatived.

EARL BEAUCHAMP moved in line 26, after ("letter") to add—

"And such reports shall be confidential communications, and shall not be divulged, except when the public service may require."

His object was to give the criminal a fair chance of being absorbed in the working population, and earning an honest livelihood. It was therefore necessary to make the police more guarded in their conversation with respect to the

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criminal, and that the reports should be kept as quiet as possible.

THE EARL OF MORLEY entirely sympathized with the object of the noble Earl, but held that the matter was one for regulation by the Executive rather than for introduction into an Act of Parliament.

Amendment negatived.

Clause agreed to.

Clause 11 (Penalty for harbouring thieves, &c.).

EARL BEAUCHAMP moved in page 8, line 3, after ("months") to add—

("And the owner of any such premises who, after the receipt of a notice in writing, signed by a superintendent of police, of the conviction of any occupier of any such premises, or of any person acting in his behalf, for an offence against this section, permits any such premises to be used for either of the purposes aforesaid, shall be liable to a penalty not exceeding twenty pounds, and in default of payment, to imprisonment for a period not exceeding six months, with or without hard labour, and in addition to or in lieu thereof to enter into such recognizances as aforesaid.")

He thought it was right that the owner who knowingly permitted his premises to be so used should be punished as well as the occupier. On the other hand, he proposed that such misconduct on the part of the occupier should incur the forfeiture of the lease to the owner.

THE EARL OF MORLEY opposed the Amendment, on the ground that if the clause were made too stringent its effects might be nullified.

After short discussion, Amendment *negatived*.

Clause agreed to.

Clause 12 (Penalty on assaults on police).

LORD HOUGHTON said, that it was frequently regarded as a matter of amusement, by classes who should know better, to assault the police in a brutal manner, as appeared from the reports in the public journals for the last twelve months. It was incumbent on their Lordships to show, by the severity of the punishment they would inflict, that they looked upon such conduct as disgraceful. He therefore proposed to make the penalty £100, instead of £20, or imprisonment for twelve months instead of six. He thought it necessary that young men should be taught that they were not to knock policemen about out of sport.

THE EARL OF MORLEY said, he was rather surprised to hear that it was regarded as sport among the upper classes to assault the police in a brutal manner. He thought, however, that the disgrace would be felt to be as great by incurring a fine of £20 or six months' imprisonment as of £100 or twelve months, and for summary jurisdiction £20 or six months' imprisonment was probably as much as could well be inflicted.

Amendment *negatived*.

Clause *agreed to*.

Clause 14 (Children of convict women).

THE EARL OF SHAFTESBURY said, the clause provided that the children of women convicted of crime should be treated as children entitled to the benefit of the Industrial Schools Act, and to be fed, clothed, and lodged at the public expense. This he regarded as a direct encouragement to crime.

THE EARL OF MORLEY said, the object was to prevent the children from falling into the hands of the associates of the woman in crime. Although the principle was open to some doubt, the case seemed to be one where the children should be sent to industrial schools rather than to the poor-house. It was consistent both with good policy and humanity to send them to a place where they would be duly educated.

THE EARL OF SHAFTESBURY suggested that in that case provision ought to be made in the Bill that when the mother came out of prison she should not have the power of reclaiming the children; or power should be given to some person in authority to say whether she should be entitled to them or not.

THE EARL OF MORLEY said, he would take the suggestion of the noble Earl into consideration.

Clause *agreed to*.

Amendments made; the Report thereof to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 266.)

House adjourned at half past Seven o'clock, to *Thursday* next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, 18th July, 1871.

MINUTES.] — SELECT COMMITTEE—*Report*—East India Finance [No. 363].
PUBLIC BILLS—*First Reading*—Factories and Workshops Acts Amendment * [255].
Committee—Elections (Parliamentary and Municipal) (re-comm.) [103]—R.F.; Epping Forest * [224]—R.F.
Report—Lodgers' Goods Protection * [54-254].
Third Reading—East India (Bishops' Leave of Absence) * [237]; Owens College * [246], and *passed*.
Withdrawn—Salmon Fisheries (re-comm.) * [121].

The House met at Two of the clock.

ARMY—OVER-REGULATION PRICES.

NOTICE.

SIR GEORGE GREY: I give Notice that on Thursday I shall ask the Government, Whether, as this House has sanctioned their proposal for the indemnification of the Officers of the Army on the abolition of Purchase, they intend now to take measures to prevent the future violation of the Law involved in the continued payment of over-regulation prices?

POST OFFICE—POSTAL CARDS.

QUESTION.

MR. DICKINSON asked the Postmaster General, What is the cost and what the charge to the public, exclusive of the stamp, of the stamped envelopes, book-post wrappers, and postal cards supplied to the public by the Post Office; and, whether the cost of the two former is not thrown on the public and that of the postal card on the Revenue, and on what authority this distinction is made?

MR. MONSELL replied that the cost of production of the envelopes, exclusive of stamps, was 5s. 7½d. per 1,000, and the charge to the public 7s. The cost of production of wrappers of the largest size, exclusive of stamps, was 4d. per 1,000, and of those of smaller size 3½d., 3d., and 2½d., which were also the charges made to the public. The cost of production of the postal card, exclusive of stamps, was 3s. 3d. per 1,000, and, under the authority of the Treasury, no charge was made to the public for the cards themselves.

ARMY—CLAIMS OF INVENTORS.
QUESTION.

MR. O'REILLY asked the Secretary of State for War, In cases where an inventor and patentee is of opinion that a Government Manufacturing Department has infringed his patent, and thereby given him an equitable, although not a legal, claim to compensation, to what authority is the question, whether the inventor's patent has been so infringed left for decision, and in what way are his interests represented before that authority?

MR. CARDWELL: Sir, an inventor who considers he has a claim upon the War Department, and sends in an application, has it referred to the Surveyor General of Ordnance, and it comes to me with his opinion. If any legal points arise the solicitor is consulted, and in case of need I should refer to the Law Officers of the Crown. If there seems to be a *prima facie* case it is sent to the Ordnance Council, of which Lord Northbrook is the Chairman, the Surveyor General and the Financial Secretary members, with many most competent officers, military and naval. That Council assesses the amount to be paid, which then, with the sanction of the Treasury, is submitted to the House of Commons. I think it right to add that the mere circumstance of a patent having been taken out does not necessarily constitute an equitable claim against the Government.

POST OFFICE—REMUNERATION OF POSTMASTERS FOR TELEGRAPH DUTY.
QUESTION.

MR. GRIEVE asked the Postmaster General, When the question of allowance for Telegraph duty to Postmasters in provincial towns is likely to be decided; if it is intended to date back from the transfer; and, if the recommendation of the surveyors as to the scale is to be adopted?

MR. MONSELL said, in reply, that the consideration of the remuneration to postmasters for telegraph duty was being proceeded with as rapidly as circumstances allowed. It was intended that the remuneration should date back from the time at which the duty commenced. In a great number of cases,

however, the duty did not begin with the transfer of the telegraphs to the State, but at a much later date.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) (re-committed) BILL—[BILL 103.]
(*Mr. William Edward Forster, Mr. Secretary Bruce, The Marquess of Hartington.*)
COMMITTEE. [*Progress 17th July.*]

Bill considered in Committee.

(In the Committee.)

Mode of taking the Poll.

Clause 3 (Regulations as to polling).

MR. CAVENDISH BENTINCK moved, in page 4, line 2, after "unlocked," insert—

"The construction of such ballot box to be approved by the candidates or their authorized agents."

The hon. and learned Gentleman remarked that as on the previous evening, of five Amendments which he proposed, two were accepted by the Government, the right hon. Gentleman the Vice President of the Council would be aware that his only desire was to improve the Bill now that its principle had been accepted. By this sub-section, the returning officer was ordered to provide ballot-boxes at each polling station, constructed in such a manner that the ballot-papers being introduced therein could not be withdrawn without the boxes being unlocked. His addition to that direction was intended to guard against fraud in the construction of ballot-boxes, and he trusted that it would be accepted, as such precautions were most necessary, and could produce no ill effect.

Amendment proposed,

In page 4, line 2, after the word "unlocked," to insert the words "the construction of such ballot box to be approved by the candidates or their authorised agents."—(*Mr. Cavendish Bentinck.*)

MR. W. E. FORSTER said, he could not accept the Amendment. The construction of ballot-boxes would be a very simple matter, and the Amendment was open to the objection that it would make the conduct of the election dependent upon the approval of any candidate. Upon public grounds he did not think that should be allowed, and he feared the Amendment would put constituencies in the power of fictitious candidates, who might refuse to assent to any reasonable construction of a ballot-box.

MR. CAVENDISH BENTINCK replied that this objection might be easily met by a proviso. Indeed, it might be met under the Bill as it stood, because the Secretary of State would have the power to make such regulations for the conduct of elections as were not at variance with the Bill.

MR. BERESFORD HOPE suggested that there should be a model ballot-box for adoption in all the constituencies. This difficulty was another instance of the inconvenience arising from the habit adopted, in order to save time, of introducing Bills which merely sketched out legislation and contained no well-considered details. Every precaution should be taken to avoid the least suspicion of irregularities. If any such suspicion prevailed, the whole plan would be brought into disrepute. In the absence of a model ballot-box it would be desirable to adopt the proposal of the hon. and learned Member for Whitehaven (Mr. Cavendish Bentinck).

MR. SCLATER-BOOTH considered that everything should be done to remove the suspicion of unfairness. He should be glad to see some provision for a model ballot-box inserted in the Bill.

MR. MONK considered the proposed Amendment very objectionable, and suggested that words might be introduced into the clause providing that the ballot-box to be used at an election should be approved by the Secretary of State.

MR. J. LOWTHER said, he thought it desirable that some regular and uniform model of a ballot-box should be adopted. Very recently he had seen the effect of the working of the Ballot in a club, not in the election of members, but with reference to the alteration of rules. It was announced that a certain proposition had not been carried; but it was afterwards found that, owing to faulty construction, 20 ballot-balls had slipped behind a drawer.

MR. W. E. FORSTER remarked that in this case papers would be adopted. There was nothing complicated. All that was wanted was a slit in the box.

MR. BIRLEY said, that if the system of the Ballot was to be adopted in this country, it was important that no question should arise as to the uncertainty of the operation of the ballot-box. He hoped that the right hon. Gentleman the Vice President of the Council would undertake to introduce words into the

Bill for the purpose of obtaining greater security.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 43; Noes 24: Majority 51.

MR. BERESFORD HOPE, thinking it right that there should be a model ballot-box for all England, asked the Committee to accept the Amendment he now moved—after the same word "unlocked" to insert the words "according to the form in the Schedule hereunto annexed."

Amendment proposed, after the same word "unlocked," to insert the words "according to the form in the Schedule hereunto annexed." — (Mr. Beresford Hope.)

MR. W. E. FORSTER said, he hoped the hon. Member would not press the Amendment. It was not advisable to make the clause too stringent. The subject would be more conveniently discussed upon Clause 17.

MR. BERESFORD HOPE said, he wished to secure that it should be the ballot of the Parliament of England and not of the Home Office. On the construction of the ballot-box would depend the degree of popularity which the system would secure.

COLONEL CORBETT supported the Amendment.

MR. CAVENDISH BENTINCK suggested the introduction of some words to connect them with Clause 17.

MR. NEWDEGATE said, that the ballot-box was intended for the safe keeping of the ballot. Many mischievous malpractices had taken place in foreign countries for the purpose of tampering with the Ballot, and he thought some provision ought to be introduced as to the locks and as to the general construction of the ballot-boxes; and, further, that it should be the duty of some recognized officer to prevent their being tampered with.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 46; Noes 106: Majority 60.

SIR THOMAS BAZLEY moved, in page 4, sub-section 7, lines 6 and 7, to leave out "and shall certify such copy under his hand to be a true copy."

[Committee—Clause 3.]

MR. GOLDNEY said, that the mayor was the proper party to make the certificate; there was no doubt about that. What was wanted was, that the returning officer should have a document in his hands, signed by competent authority, to which both parties might refer.

SIR THOMAS BAZLEY said, he would leave the Amendment in the hands of his right hon. Friend (Mr. Forster).

MR. W. E. FORSTER said, he would see that care was taken to look into the point who should certify the list, and if his hon. and learned Friend opposite (Mr. Goldney) was correct, the necessary alteration would be made. The law would, however, stand as it was in Parliamentary elections, as the words objected to were not required to regulate Parliamentary elections.

Amendment negatived.

MR. CAVENDISH BENTINCK moved the omission of sub-section 8.

Amendment proposed, in page 4, to leave out from the word "The," in line 8, to the word "years," in line 16, both inclusive.—(Mr. Cavendish Bentinck.)

MR. W. E. FORSTER said, he could not agree in the hon. and learned Gentleman's view of the clause. The object of the sub-section was to guard against fraudulent papers by requiring the use of a stamp.

SIR HENRY SELWIN-IBBETSON trusted that his hon. and learned Friend would persevere with his Amendment.

MR. CHARLEY directed the attention of the Committee to the fact that heavy penalties were attached to the publication of the secret device or mark to be made by the instrument employed for the purpose of stamping the ballot papers. It was impossible, he believed, effectually to provide against the device becoming known.

MR. J. LOWTHER said, it stood to reason that if the returning officer was to be the person responsible for the manufacture of the die, he must delegate the power to some person. Did the right hon. Gentleman mean that there would be no means of preventing the device adopted by the returning officer from being used fraudulently. It might be manufactured in duplicate; at any rate, its peculiarity being known, a similar article could be made in any workshop. They all knew how notorious it

was that University examination papers became known to parties interested in the examinations, and there was the same likelihood of discovery in the present instance. Did the right hon. Gentleman mean to establish some central manufactory for these devices? Unless Government did so, it must be apparent to the Committee that the door was open to fraud.

MR. W. E. FORSTER said, that this was a case which might fairly be left without any special arrangement. The Secretary of State for the Home Department might make provisions for stamping the ballot-papers, and taking precautions against fraud. [Mr. J. Lowther: What are these?] It was not necessary to put them into the Bill, or to enter into such details in its provisions.

LORD CLAUD HAMILTON suggested that the duty of providing the stamps should be placed upon the Home Secretary, instead of upon the returning officer. This latter person would probably order the dies of a tradesman in his town, and the secret of what that die was would probably leak out.

MR. BERESFORD HOPE pointed out several practical objections to the Government proposal. The returning officer would probably order a stamp of the leading ironmonger in the borough, who, in turn, would give instructions to his correspondent at Birmingham, where in all likelihood most of the stamps required in all the constituencies would be manufactured. There they would have to be sorted, and then forwarded to the various returning officers, and under such circumstances how could the secret be kept? Very likely the local papers would publish the device on the stamp, with a chuckle at the wisdom of the men at Westminster who passed such a law. If stamps were to be employed at all, they ought to be supplied by the Home Office to the returning officer of each borough.

MR. ASSHETON described the precautions taken with regard to the examination papers at Cambridge, at the time he was a student in that University. They were printed at the Pitt Press during the night preceding the examination in the Senate House, and the printers were locked up until the examination had closed. By this means perfect secrecy was secured; but it would

be impossible to adopt such a system in the manufacture of stamps under this Bill, as they could not lock up all the ironmongers in the country. If they trusted the returning officer with this "dodge" to secure secrecy, they should also trust him to provide proper means to secure the public from being imposed upon by forged papers. In his opinion, the whole system of stamps and devices was a rotten one.

MR. CHARLEY wished to know how the returning officer could keep secret the mark made by the stamp, as the Bill required him to affix it to each ballot-paper before it was delivered to the elector.

MR. W. E. FORSTER explained that the returning officer must not let anyone know what mark was on the die, and that the voting paper, after being stamped, would be immediately placed in the ballot-box.

MR. GATHORNE HARDY remarked that the first thing the returning officer must do would be to communicate the secret to the person whom he employed to make the die, and it was obvious that the manufacturer could not be bound to secrecy. Was it seriously intended that the returning officer should at the beginning of each year provide himself with a sufficient number of these instruments for all the elections which might possibly be held in the course of that year? If so, what time would be allowed him to obtain a supply of all the materials mentioned in the Bill? It would be difficult, for instance, to get the book of votes printed in a short space of time in many country districts. He suggested that the returning officer should, instead of using a stamp, be allowed to put his initials on each ballot-paper.

MR. W. E. FORSTER said, initials might be much more easily imitated than a device, and the object of the sub-section was to prevent forgery. Proper instructions would, no doubt, be given to the returning officers; but it was not desirable to insert all the details in the Bill, which contained a clause—Clause 17—empowering the Home Secretary to draw up the necessary regulations.

MR. CHARLEY said, that an elector, before voting, might, whilst left alone, take a copy of the stamp.

MR. W. E. FORSTER said, he had no objection, in order to meet the hon.

and learned Gentleman's views, to omit the words "or mark to be made by."

MR. GATHORNE HARDY reminded the Committee that the system was to be applied to municipal as well as Parliamentary elections. It would be derogatory to the dignity of the Home Secretary if he had to determine what instruments were to be used, and how many of them were to be supplied. In large towns there must be a great many of these instruments, and then there would be an Amendment that they should never be used again. It appeared to him that the provision was absurd and unnecessary.

MR. WHEELHOUSE said, that at Leeds there were 13 wards, and that there was generally a contested election in every one of them. It would surely be unfair to impose upon anybody the duty of finding a stamp for every election.

MR. HERMON said, he did not like either the system of stamping or that of initialling. There would be great labour in placing initials upon many thousands of papers.

SIR HENRY SELWIN-IBBETSON said, the object in view was that some mark unknown before the day of election should be affixed to every ballot-paper in order to prevent voters bringing with them papers filled up beforehand. The method of putting initials or marks on tickets of admission to election meetings answered the purpose perfectly well.

LORD CLAUD JOHN HAMILTON said, there was a great difference between a meeting and an election, where there was every inducement to commit a fraud.

MR. CHARLEY said, he thought it was not sufficient to keep the secret only up to the day of election, because the polling would last several hours. At the same time, he was willing to accept the proposal of the right hon. Gentleman the Vice President of the Council to omit the words "or mark to be made by."

MR. W. E. FORSTER called attention to the fact that the question before the Committee was the omission of the whole of the sub-section.

MR. CAVENDISH BENTINCK said, the sub-section had completely broken down, as the right hon. Gentleman was unable to give an intelligible explanation of it. In order to take the sense of the

Committee upon the subject he should urge the adoption of his Motion.

Question put, "That the word 'The' stand part of the Clause."

The Committee *divided*:—Ayes 166; Noes 86: Majority 80.

LORD CLAUD HAMILTON moved, in page 4, line 8 of the sub-section, to leave out the words "returning officer," in order to insert the words "Home Secretary." The noble Lord said, he thought that the effect of this sub-section would be to throw upon the returning officer a duty and a responsibility altogether novel, and involving much anxiety, inasmuch as the returning officer would, of course, be obliged to get these devices executed by some firm or artizan, on whose secrecy he could not, of course, depend. These difficulties would be obviated by the substitution of the Home Secretary, who could solve all perplexities by sending down the papers with the writ, and making them returnable with that instrument, taking care, of course, not to send the same device more than once to one place. It might be said, why delegate such a duty to the Home Secretary, who must necessarily be a politician, and more or less a partizan; but if that objection were to be held as good, it would equally apply to the returning officer.

Amendment proposed, in page 4, line 8, to leave out the words "returning officer," in order to insert the words "Home Secretary."—(*Lord Claud Hamilton.*)

MR. W. E. FORSTER said, he hoped the Committee would agree to the words of the section as they stood, as the Amendment, if adopted, would involve much inconvenience. The returning officer would, of course, be acting under the advice of the Home Secretary.

MR. C. S. READ trusted that the right hon. Gentleman the Vice President of the Council would not throw this burden on the returning officers—a duty which would be particularly unwelcome in the November of every year. In the event of a new Mint being established, a compartment of the establishment might be set apart for the manufacture of those election stamps.

MR. GOLDSMID trusted that the right hon. Gentleman would accede to the noble Lord's proposal, particularly

Mr. Cavendish Bentinck

as the question was one of detail merely, and involved no principle.

MR. J. G. TALBOT said, he thought the proposal a reasonable one, well deserving the right hon. Gentlemen's attention.

MR. BERESFORD HOPE raised the point of the efflux of time necessary in giving the order for those stamps. Elections sometimes took place by surprise, when it would be difficult for the returning officer to have the machinery ready for a contest by the day of nomination.

MR. W. E. FORSTER said, he thought the difficulties were greatly exaggerated—as, indeed, were all difficulties in connection with this Bill—by hon. Gentlemen opposite. It seemed to him that the returning officer could easily provide these stamps as well as the other things necessary for a contested election. It might, however, be necessary for the Home Secretary to send him special instructions in relation to this matter. He had had several plans suggested for carrying out the objects intended by this clause, although he would not further allude to the plans at the moment, for fear of inviting a discussion which might last for several hours.

Question put, "That the words 'returning officer' stand part of the Clause."

The Committee *divided*:—Ayes 183; Noes 112: Majority 71.

MR. GOLDNEY said, the Committee had decided that the returning officer should provide the stamps, and he proposed that there should be one general device, provided by the returning officer at every Parliamentary election, and by the mayor at every municipal election, instead of a different stamp in every ward or polling district. Such a provision would save expense, while secrecy would be at the same time equally well insured.

MR. W. E. FORSTER said, he thought that the clause as it stood was to the effect stated, but he would accept the words proposed by the hon. and learned Member.

Amendment agreed to.

MR. JAMES said, it was a fair question to consider whether the device should ever be used again, and he had given Notice of an Amendment to that effect, as opposed to the provision in the Bill

that it should not be used again until after the lapse of seven years. He had no wish to press the Amendment.

Amendment proposed, in page 4, line 14, to leave out the word "not," in order to insert the words "never again."—*(Mr. James.)*

MR. W. E. FORSTER said, he thought the Amendment unnecessary, and it was open to the objection that if this and other directions were not complied with, the result of the election might be challenged.

MR. BOUVERIE said, he hoped it was not to be understood that the election might be voided if any of these directions were not complied with. Such a proceeding might be very unjust to the candidate who had been elected and whose seat was questioned.

MR. W. E. FORSTER said, that difficulty was met by Clause 35. When he used the word "challenge" he did not mean to assert that it would be done with any real hope of success.

MR. GOLDNEY said, the vote, and not the seat, would be open to be challenged.

MR. J. LOWTHER said, the right hon. Gentleman the Vice President of the Council adopted a most unhappy expression when he used the word "challenge." This was one of those cases in which the returning officer would be liable to penalties, and not the candidate to have his return set aside. Their object should be to render it impossible for a returning officer, especially a strong partizan, to do anything of the kind. He suggested the adoption of a moveable die, such as that used at railway stations and for admissions to race stands. It should be prescribed in the Bill, and not left to the mere imagination of the returning officer.

MR. W. E. FORSTER said, he thought they should not go into the detailed particulars of plans. The lapse of seven years between the using of the stamps would be sufficient for all practical purposes.

MR. BERESFORD HOPE said, with reference to the objection taken by the right hon. Gentleman (Mr. Bouverie), that Clause 35 was simply an instruction to the Election Judge as to what should, and what should not render an election invalid; and as one Judge might decide the point one way, and another might

decide it in another way, the clause was really an unsettling instead of a settling one.

MR. GOLDNEY said, the result of the voting paper not being stamped would be that the vote would not be counted.

MR. JAMES said, he had no wish to divide upon the Amendment. It was a mistake to suppose that the disobedience to any direction given to the returning officer, who was a third party, could vitiate the return of the candidate. The penalty would fall on the returning officer only.

MR. W. H. SMITH said, as such an act would prevent the vote being counted, it would be committing an act of gross injustice to the candidate for whom the vote was intended, and it might thereby lead to the Petition being presented against the return.

MR. W. E. FORSTER said, sub-section 8 provided that there should be an instrument for making marks on the voting papers. Sub-section 11 provided that the returning officer should with the instrument stamp the voting paper; and sub-section 19 provided that no voting paper should be counted except it was stamped. He could see no difficulty in the matter.

LORD JOHN MANNERS said, although the hon. and learned Member for Taunton (Mr. James) was correct in saying an election could not, under the circumstances, be challenged before an Election Judge, yet if a large number of votes were thrown away in consequence, the candidate who ought to have been elected would be at liberty to challenge the return.

LORD CLAUD JOHN HAMILTON said, there was a case in point in the Helston election.

Question put, "That the word 'not' stand part of the Clause."

The Committee *divided*:—Ayes 239; Noes 83: Majority 156.

MR. PELL observed, that there was nothing in this Bill to prevent stamps once used for a borough or municipal contest being employed again for a county election, or for the election of the adjoining county immediately afterwards. He therefore moved the omission of the words "for the same place," so as not to permit of the same device being again used anywhere for seven years.

Mr. W. E. FORSTER opposed the Amendment as an exaggerated precaution, which was totally unnecessary.

Mr. BIRLEY said, that, no doubt, the proposition of the Government would tend to relieve the returning officers of their duties; but it would, at the same time, open the door to a good deal of fraud.

Amendment negatived.

Mr. R. TORRENS, in rising to move an Amendment, of which he had given Notice, with a view to the repression of personation, said, that the experience of the Ballot in New South Wales showed that though personation had not increased since the Ballot had been adopted, it had not been entirely done away with. He believed the endeavour of the Committee was to do away with everything that favoured personation, and that result, he thought, would be attained by the adoption of his Amendment, especially if personation itself were made a felony, as was suggested by the hon. and learned Gentleman the Member for Taunton (Mr. James). He maintained that there should be publicity in the matter of claiming the vote, but secrecy in the act of recording it. He moved as an Amendment in page 4, line 21, after sub-section 9, insert—

"(a.) Every voter shall, before receiving a voting paper as hereinafter provided, stand at the entrance to the polling station uncovered and facing outwards whilst his name and description and the qualification in respect of which he claims to vote are called by the public officer or other person for that purpose appointed by the returning officer."

SIR HENRY SELWIN-IBBETSON said, he thought that in the case of a large constituency there might be some difficulty in carrying out the election if each voter was to go through the long process described in the Amendment.

Mr. W. E. FORSTER conceived that the Amendment was not one of a practical nature. Was the entrance, where it was proposed that the voter should stand, to be the entrance to the room where the election was held? In that case the entrance would be in a passage; and if the entrance to the building was meant, that was not the place where the returning officer would be. Then, as the Amendment directed that the voter should stand "uncovered," a question might arise as to how much of him was to be uncovered. [*Laughter.*] He sup-

posed it was meant that the voter should stand without his hat on; but, as the Bill applied to municipal elections, at which women voted, would it be required that they should stand without having their bonnets on? The voter, too, at an open meeting was likely in facing round to the crowd to be molested by small boys; and the Amendment was hardly a practical method of dealing with the evil of personation.

Mr. R. N. FOWLER said, that personation was a large evil in a large constituency. Some years ago three persons claimed to vote in the City of London under the name of Isaac Isaacs, and the revising barrister had great difficulty in the case. He remembered a case which occurred when Mr. Cubitt was Lord Mayor for the City of London, and a gentleman voted early in the morning as Mr. Wood, who, it was known, must have been at that time off the coast of Spain. He hoped his hon. Friend (Mr. R. Torrens) would press his Motion on the attention of the Committee.

VISCOUNT BURY said, that a near relative of his who was proposed for two separate constituencies in South Australia had told him that personation was carried on to an enormous extent in that country, and that it was mainly fostered by the Ballot. He thought it would be advisable to adopt some such Amendment as the present, because the more publicity was given to the act of claiming to vote, the less chance was there of personation.

Mr. BERESFORD HOPE expressed surprise at some of the statements made by the Vice President of the Council. One of his arguments against the Amendment seemed to be that a voter, male or female, in facing round might be received with rotten eggs by degenerate boys, and yet that was a Bill professing to abolish corruption and intimidation. He was in favour of some such Amendment as the one proposed, because it would tend to check personation.

Mr. G. B. GREGORY said, that according to the law, when a vote was once on the poll sheet it was given to all intents and purposes.

LORD CLAUD JOHN HAMILTON suggested that it would be better to leave out the word "uncovered."

Mr. GREENE suggested that the Committee should report Progress, in order that time might be given to con-

sider the best mode of checking personation. The present Parliament were not fit to conduct the business of the country. He believed that if they were a parish meeting, employed in the fixing of a rate, and behaved as they did over this Bill, the parishioners would kick them out. This Bill was approved of by no one, and he quite concurred with the hon. and learned Member opposite, who had told them that publicity was honesty, and secrecy was fraud. It was admitted that the Ballot did not stop personation in Australia, and he asked the proposer to withdraw the Bill. He should support the Amendment of the hon. Member for Cambridge (Mr. R. Torrens).

MR. G. BENTINCK said, it appeared that the hon. Member for Cambridge (Mr. R. Torrens) had raised one of the most important questions in the discussion. Every discussion on the Bill proved that the measure would increase personation, and he trusted that the Committee would in some way carry out the object of the Amendment.

COLONEL BARTELOT said, the great question was to prevent personation, and he hoped that the hon. Member for Cambridge (Mr. R. Torrens) would not divide the Committee on the Amendment, which was one of the most ridiculous ever brought before the Committee.

SIR STAFFORD NORTHCOTE wished to diminish the risk of personation, which he regarded as the most serious danger attending this new mode of voting; but he thought that Amendment would cause delay, and probably subject voters to intimidation and annoyance. The Government ought to take the most efficient mode of preventing personation by providing means for identifying a vote after it had been given.

Amendment negatived.

MR. J. LOWTHER wished to take the opinion of the Committee upon the principle of the last Amendment without committing hon. Members to the same phrases. He proposed to insert words providing that the voter should stand in a place appointed by the returning officer and near to the polling station.

THE CHAIRMAN said, this Amendment could not be submitted to the Committee, for the distinction between it and the one already disposed of was scarcely perceptible.

LORD JOHN MANNERS (for Mr. STAPLETON) moved an Amendment, inserting words to the effect that if the identity of a voter was doubted the returning officer should, on the application of a candidate or his agent, require the voter to sign a paper, and making it forgery to sign such paper, in the name of another person. He thought it desirable to introduce some check on personation, for the Bill was recommended on the example of New South Wales, where it was said that personation had increased to such an alarming extent that it had become necessary to take some step to check it. The Government had refused the most substantial Amendment that had yet been proposed for the punishment of personation; but they ought to accept this one.

MR. W. E. FORSTER said, the Government could not accept the Amendment, which was open to two objections. In the first place, it would enable an agent to delay the election; and, secondly, although personation was a serious offence, the Government did not think it desirable to make it an offence equal to forgery. The noble Lord was wrong as regarded New South Wales, for there was no official statement that personation had increased there.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 114; Noes 175: Majority 61.

MR. JAMES moved the insertion of words at the commencement of sub-section 10, providing that the inspection of the ballot-box by the agents should be made within 15 minutes of the commencement of the poll.

Amendment proposed, in page 4, line 22, before the word "previously," to insert the words "within fifteen minutes."—(*Mr. James.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER said, he did not think the Amendment necessary; but he had no other objection to it.

MR. G. BENTINCK moved that the time be five minutes instead of 15.

Amendment proposed to the said proposed Amendment, to leave out the word "fifteen," in order to insert the word "five."—(*Mr. Bentinck.*)

Question put, "That the word 'fifteen' stand part of the said proposed Amendment."

The Committee divided:—Ayes 178; Noes 67: Majority 111.

Question proposed, "That the words 'within fifteen minutes' be inserted before the word 'Previously,' in line 22."

And it being now ten minutes to Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at ten minutes after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 19th July, 1871.

MINUTES.]—SELECT COMMITTEE—*Report*—Kitchen and Refreshment Rooms (House of Commons) [No. 367].

PUBLIC BILLS—*Second Reading*—Steam Boilers Inspection * [56], discharged.

Committee—*Report*—Registration of Voters (No. 2) [22-256].

Report—Metropolis Water (No. 2) * [166-257]; Royal Parks and Gardens * [217-258].

Considered as amended—Municipal Corporation Acts Amendment * [193].

Third Reading—Public Libraries Act (1855) Amendment * [229], and passed.

Withdrawn—Representation of the People Acts Amendment * [98]; Registration of Parliamentary Voters [19]; Infant Life Protection * [49]; Fires * [44]; Murder Law Amendment and Appeal * [141].

REGISTRATION OF PARLIAMENTARY VOTERS BILL—[BILL 19.]

(*Mr. Henry Robert Brand, Sir Charles Dilke, Mr. Andrew Johnston, Mr. Collins, Mr. Rathbone.*)

COMMITTEE.

Order for Committee read.

MR. H. R. BRAND said, it was not his intention to proceed further with the measure; his only reason for withdrawing which was that, whereas there was a considerable opposition to it on the part of county Members, there was practically no opposition to that of his hon. Friend the Member for Chelsea (Sir Charles W. Dilke) which followed,

and which had reference to boroughs only; and he (Mr. Brand) thought he should best gain the object he had in view by helping his hon. Friend to pass his measure, and thus show to the county Members that the proposed system of registration was not only a good, but an economical one. He did not regret bringing it forward, because he believed the discussion that took place on the second reading would be of some value, and form a guide to the Government in the future consideration of the subject. He would move that the Order for going into Committee be discharged and the Bill withdrawn.

MR. COLLINS said, he did not regret the course proposed; but it must be by no means understood that in withdrawing the Bill the subject would be allowed to drop for good; in fact, he hoped to see the Bill introduced again next Session. It was of the utmost importance that the Union should be the unit of registration, and that the clerk of the assessment committee should be the registrar.

Motion agreed to.

Order discharged; Bill withdrawn.

REGISTRATION OF VOTERS (No. 2) BILL

[BILL 22.] COMMITTEE.

(*Sir Charles Dilke, Mr. Collins, Mr. Whitbread, Mr. Rathbone.*)

Bill considered in Committee.

(In the Committee.)

Clause 1 (Interpretation) amended and agreed to.

Clause 2 (Dates of qualification).

MR. COLLINS moved, in page 2, line 18, to leave out "ten months to the last day of May," and insert "twelve months to the twenty-fourth day of June;" also, in line 21, to leave out "four months to the last day of May," and insert "six months to the said day of June." The object of the Amendment was to leave the law as it now stood—that of 12 months for qualification.

Amendment agreed to.

SIR CHARLES W. DILKE moved to add to the end of the clause—

"The qualification of a person at the date of qualification in any year shall so far as regards the matters referred to in this section be conclusive for all purposes as to his right to be registered in such year."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 3 (Registrar of voters).

SIR CHARLES WINGFIELD moved, in page 2, line 32, after "provided," leave out to end of clause, and insert "the Poor Law Board shall appoint a registrar for all boroughs for the purposes of this Act." The present system was most unsatisfactory, and with a view to its amendment, he desired that the person to be appointed to act as registrar should be free from all political bias, and that object would, in his opinion, be best attained by vesting the appointment with the Poor Law Board.

MR. H. R. BRAND said, he must oppose the Amendment. The objection on the score of political bias might be urged against any person whatever who might be appointed, and the weight of evidence was entirely in favour of the appointment of the clerks to the assessment committee to act as registrars. Not only that, but the bulk of the information on the subject was entirely in the hands of those gentlemen, and he did not see why any objection should be taken to those authorities.

MR. COLLINS said, he thought there was a strong objection to the Amendment, as it would appoint an officer for a special purpose. In appointing the clerk of the assessment committee, the object had been to get rid of such an appointment for a special purpose, because then they would be more likely to get an impartial man, whose political functions would be made merely one small part of his ordinary duties.

MR. BRUCE said, he also objected to the Amendment proposed by his hon. Friend the Member for Chelsea (Sir Charles Dilke). It was quite a groundless fear to suppose that there would be any tampering with the registration of voters in order to serve a political purpose. The functions of the assessment committee were so important that it was their object, in finding a clerk, to select the man who was generally best fitted for the work, whatever his politics might be. Even supposing that the clerk were a man of strong party views, chosen by his own party, all he did would be under the view and control of the members of the assessment committee, the minority of which being of adverse politics to him would be very vigilant to see that the public interests were not sacrificed. Then there was this further security—that it was in the power of the Poor

Law Board to remove any of these officers on sufficient objection being made.

MR. CANDLISH said, he would point out that the officer would be more of a political officer if he were appointed under that Amendment, than if he were to be, as proposed by the Bill, the clerk to the assessment committee.

MR. MELLOR said, that in many of the northern boroughs there were no clerks to the assessment authorities, their work being done by the clerks to the Poor Law Board.

SIR CHARLES WINGFIELD said, that as the Amendment did not seem to meet with much support, he would withdraw it.

Amendment, by leave, *withdrawn*.

On Question, That the Clause be agreed to, and added to the Bill,

MR. MUNTZ said, he saw no reason why the overseers should not continue to discharge that duty. They were, as a rule, highly respectable men, appointed by the magistrates without reference to party bias, and he had never heard any complaints as to the manner in which it had been performed by them in the past, except at the last General Election, and they had then to grapple with the difficulties of a new Act of Parliament. There was the further consideration, that if the Bill passed, the appointment of a registrar in every borough would create a new local burden. He would move the omission of the clause.

MR. VERNON HARCOURT said, as Chairman of the Committee which sat upon that question, he hoped the hon. Member for Birmingham (Mr. Muntz) would not persist in his Motion, for that clause contained the whole principle of the Bill, inasmuch as the object of the measure was to obtain, if possible, in every borough, a single permanent authority whose business would be to superintend the whole work of registration, and study the law relating thereto. In the borough which he represented there were 20 parishes with 20 overseers, who had to make out 20 different lists. That was found to be very inconvenient, and in order to correct the inconvenience complained of, it contemplated in this measure to appoint a single registrar to oversee the work of the whole, a great part of the prac-

tical work still being done by the overseers.

MR. MELLOR said, he was in favour of the omission of the clause, because he was of opinion that there existed at present a sufficient staff of paid officials for the purpose.

LORD HENLEY said, he also could see no great advantage to be gained from the appointment of a registrar, while it would cast additional expense upon the boroughs.

MR. BOWRING said, he also approved of the clause, and would vote for it as it stood.

MR. CANDLISH, on the contrary, said, he approved the clause on the ground that, as the registrars would superintend a more extended area than the overseers, it would put an end to the insertion of duplicate entries on the register.

Motion negatived.

Clause agreed to.

Clause 4 (Preparation of the borough list).

SIR CHARLES W. DILKE moved in page 3, line 32, leave out all after "accordingly," to end of clause, and insert—

"4. The borough list shall be arranged by districts as hereinafter in this Act provided, and within each district by streets in the alphabetical order of the names of all streets which, or any parts of which are situate in the district, and in respect of each side of every such street or part of a street according to the consecutive order of the premises situate therein, and in respect of any such premises according to the strict alphabetical order of the surnames and first christian names of all the persons qualified in respect of such premises; and in each district the names of any persons qualified in respect of premises not included in any street shall be placed in a separate appendix or list in the like alphabetical order; where the same person is qualified in respect of different premises he shall be included for one only of such premises, a qualification in respect of the place of his residence being preferred."

MR. W. H. SMITH said, that however good that proposal might be for the arrangements of canvassing, he thought it would lead to great inconvenience and confusion at the polling-booth, as it would be much less easy to ascertain that any particular voter was entitled to vote.

MR. VERNON HARCOURT said, the matter had been carefully considered by the Committee which sat upon the subject, and they had adopted the Scotch

Mr. Vernon Harcourt

system, which was found to be very perfect.

MR. CRAUFURD said, that street lists were not the general practice in Scotland. It was confined to Edinburgh.

Amendment agreed to.

MR. COLLINS moved in page 4, at end, add—

"In the case of a borough containing according to the last census for the time being a population not exceeding twenty thousand, the authority having power to divide the borough into polling districts may, if they think fit, from time to time direct that the borough list shall within all or any of the districts of the borough be arranged alphabetically and not by streets, and may revoke any such order."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6 (Objections to the borough lists).

MR. COLLINS proposed in page 5, line 15, after "Act," to insert—

"And paying to the registrar the sum of two shillings and sixpence in respect of a notice of objection against any person which is so withdrawn."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 7 (Examination of claims and objections by the registrar).

MR. JAMES said, he thought that some words must be added to provide that the person against whose vote there was to be an appeal should have notice of such appeal.

SIR CHARLES W. DILKE said, on consideration, he thought it would be an improvement to the clause, and he would on the Report bring up an Amendment to effect that object.

MR. WHARTON said, he would suggest that the word "correct" should be substituted for the words "allow" or "disallow."

MR. STAPLETON said, he thought it an oversight in the Bill that the registrar had no power to award costs in the case of unfounded or vexatious objections.

MR. REED said, he hoped that what was done in relation to that measure would not be considered a precedent when they came to alter the law in respect to county voters.

MR. JAMES said, he thought that one of the most beneficial enactments in

the Bill. It gave power to the registrar to correct the list where a party was dead, or where a wrong Christian name of a voter or misdescription of qualification had been placed on the register, thus obviating the necessity of working men losing time in attending before the revising barrister to remove mere formal objections.

MR. RYLANDS said, he most strongly objected to the power proposed to be given to the registrar of altering the list of voters in his private office on the mere representation of parties. Such a power should only be exercised in open Court, and in presence of both parties.

MR. BRUCE said, he was of opinion that that clause would confer a very great boon upon the voters generally, and especially upon the working classes; and it was framed with the unanimous recommendation of the Committee, who had thoroughly investigated the subject.

MR. BIRLEY said, he thought that that remedy might be given through a better authority than that of the registrar.

MR. VERNON HARCOURT said, he entirely concurred in what had fallen from his hon. and learned Friend the Member for Taunton (Mr. James), and would state that the clause gave no new power to the registrar, but simply enabled him to correct any errors or mistakes arising from inadvertency; in fact, the registrar would not possess any greater power than was possessed at that moment by the overseer.

MR. COLLINS said, he heartily approved of the clause, for there was no power taken away from the elector, who could still appeal to the revising barrister if he pleased.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 74; Noes 47: Majority 27.

Clause 8 amended, and agreed to.

Clauses 9 to 12, inclusive, agreed to.

Clause 13 (Appointment and powers of revising barristers).

MR. COLLINS said, he must express a hope that the Treasury would see the inexpediency of paying so large an amount as £200 a-year to the revising barristers, especially as their duties would be much reduced by that Bill.

MR. NEVILLE-GRENVILLE said, he thought the extra payments to re-

vising barristers ought also to be considered, with a view to retrenchment in that direction.

On the Motion of Sir CHARLES W. DILKE, Clauses 13 to 15, inclusive, were *postponed*.

Clause 16 (Persons other than clerks to assessment authorities may be appointed registrars for boroughs).

MR. WHARTON said, he objected to the whole of the clause, because, after it had been arranged that a specific officer should transact the business of the Bill—namely, the clerk to the assessment authority—that clause would enable other public bodies to appoint officers in lieu of that gentleman. It was known how much Town Councils were influenced by political considerations in such matters, and that provision might lead to unlimited jobbery. The proposition was a new one, and had not been recommended by the Committee, and he thought it would be dangerous to adopt it.

MR. RYLANDS said, he placed far more confidence in the Town Councils elected by the ratepayers than he did in the assessment committees, and therefore approved the proposal contained in the clause.

MR. VERNON HARCOURT said, he must oppose the clause, and hoped that hon. Members would go to a division upon it. By Clause 3 the registrar was declared to be the assessment authority, and by the present clause—the 16th—it appeared that anybody else could be chosen. These two clauses could not both be retained, and he objected to Clause 16 on the ground, that the power it conferred might be made use of for political purposes.

MR. RATHBONE said, he thought the reason of the hon. and learned Gentleman who had just sat down (Mr. V. Harcourt) was hardly correct; he kept free from any bias in the matter, but he hoped the Committee would sustain the clause, as the power might be safely entrusted to the Town Council. For his own part, he had never heard that town clerks were necessarily appointed for a political object. At Liverpool, the present town clerk, a Liberal, was appointed by the Conservatives, his predecessor, a Conservative, having been elected at a time when the majority of the Council were Liberals. He hoped the clause would be carried.

MR. COLLINS said, he trusted the decision arrived at by the Select Committee would not be upset. If they passed that clause, they would practically repeal the previous clauses of the Bill.

LORD HENLEY said, he was of opinion that the Committee had better be content with the simplicity of Clause 3.

DR. LUSH said, he hoped the Committee would allow the clause to pass.

MR. WHEELHOUSE said, he most strenuously objected to the clause, because it was in direct opposition to Clause 3, and because it was in no respect a recommendation of the Committee; and also because it placed in the hands of the Town Council a power which would be used for political ends. It was all very well to say that the Town Councils were not political bodies; but everyone who knew the North of England knew that they were political bodies. He knew a borough where it had been declared that there should be no more Conservative mayors and no more Conservative aldermen as long as the borough lasted.

MR. HIBBERT said, he trusted the hon. Gentleman the Member for Durham (Mr. Wharton) would not press the Amendment. What knowledge had an assessment committee to enable them to prepare a municipal register? Whatever the Committee did, municipal boroughs ought to be brought within the operation of that clause. He trusted the Committee would not, therefore, strike out that part of the clause at least.

MR. NEVILLE-GRENVILLE said, he wished to learn from the hon. Gentleman who last spoke (Mr. Hibbert), whether he would advocate the passing of that clause if it repealed Clause 3? No one, in his (Mr. Neville-Grenville's) opinion, had answered the question, that if Clause 16 was carried, Clause 3 would be virtually repealed.

MR. JAMES said, in answer to the hon. Gentleman who spoke last (Mr. Neville-Grenville), that there would be no repeal of Clause 3 by allowing Clause 16 to stand part of the Bill. Many who voted for the former clause only did so on a pledge of the promoters of the Bill that they would retain Clause 16. The 3rd clause simply proposed that in the first instance, and *prima facie*, the clerk to the assessment authority should be the registrar; but if, for any reason, the Town Council

chose to interfere and put a veto upon that appointment, then they gave them power by the clause now before the Committee to elect whom they pleased. It was for the Town Council to judge whether they should exercise that power. He strongly objected to Parliament appointing absolutely in all cases the clerk to the assessment authority as registrar. The clerk to the assessment authority might have no local knowledge; he might be unfit to perform the duties of the office, or he might live 50 miles away from the borough. The registrar might thus be a person who was incapable of doing the work imposed upon him by the Bill; and, to meet such a case as that, they should certainly give the constituencies, through their own local governing bodies, power to appoint a registrar.

MR. C. S. READ said, there could be no doubt whatever if the party proposed by the clause was elected by the Town Council he would be a strong partizan, because he had been elected for a political purpose. ["No, no!"] He held it would be so; the Town Council would elect a man who was a partizan. He was in favour of bestowing the office on the clerk to the assessment committee.

SIR CHARLES DILKE said, he thought that no body was so competent to appoint the registrar as the Town Council.

MR. D. DALRYMPLE said, that unless the clerk to the Municipal Council was appointed, the class of freemen ran the risk of being overlooked in those boroughs where they existed. Though by no means enamoured of the Bill, he would support the clause, on the ground that a subsequent clause rendered it absolutely necessary that it should be passed intact.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 114; Noes 51: Majority 63.

Clauses 17 to 20, inclusive, *agreed to*.

Clause 21 (Registrars not to interfere in elections).

SIR CHARLES WINGFIELD proposed, in page 14, line 23, after "clerk," to insert "or by any relative or servant." He thought that the registrars should not only be placed under the restrictions

Mr. Rathbone

of the clause already in existence, but should not be allowed the privilege of voting by any relative or servant.

MR. RAIKES said, it would be necessary to have a definition of the word "relative." Was a brother-in-law a relative.

MR. BOWRING said, the clause enacted that neither the registrar nor his partner or clerk should be allowed to interfere or vote in the election. He suggested that the words disqualifying these persons to vote should be omitted.

MR. VERNON HARCOURT said, the object was to prevent the partner or clerk from being election agents.

Amendment, by leave, *withdrawn*.

MR. VERNON HARCOURT then proposed an Amendment, in the shape of a proviso, to the effect that the registrar, or his partner or agent, or servant, might vote, though the restrictions as to their canvassing, or otherwise interfering in the elections, would be maintained.

Amendment *agreed to*.

On Question? That the Clause, as amended, stand part of the Bill,

MR. HERMON said, he must point out that the phrase "any other person," was most indefinite, and might have a too extensive signification.

MR. WEST suggested that the clause should be withdrawn, in order that it might be prepared more carefully.

MR. COLLINS said, he thought that the clause had better be left out altogether, because to say that a man should vote and not interfere with the election was ridiculous, seeing that voting was the most material act of interference.

MR. VERNON HARCOURT said, he must point out that Town Clerks had a power of voting at present, and they were the registrar of the freemen; but there was a great difference between a man merely voting and becoming an electioneering agent. However, he would propose to make the words "any other person in this section mentioned," which he thought would make that part of the clause definite enough.

COLONEL SYKES said, the Committee, in his opinion, had much better reject the clause, for it was a thing nobody could understand, and let something intelligible be brought up on the Report.

SIR FRANCIS GOLDSMID said, he

fully coincided in the opinion expressed by his hon. and gallant Friend (Colonel Sykes).

Amendment, by leave, *withdrawn*.

Clauses 22 to 27, inclusive, *agreed to*.

Clause 28 (As to levy of costs and fines).

MR. VERNON HARCOURT proposed at the end of clause to insert a proviso, to the effect that when an objection was made against the decision of the registrar, and not sanctioned by the revising barrister, the latter should give costs amounting to 10s.

MR. WHEELHOUSE said, he did not think the sum sufficient. He had known an instance of a man being kept waiting for two or three days, merely to prove that his claim was a just one, the objector thinking that he would not appear.

MR. VERNON HARCOURT said, he had no objection to increasing the penalty to £1.

MR. BRUCE said, he would suggest that the penalty should not be less than 5s. nor more than £1.

MR. D. DALRYMPLE said, he thought it desirable also to give costs.

MR. VERNON HARCOURT said, he was willing to act on the suggestion of the right hon. Gentleman the Secretary of State for the Home Department.

MR. COLLINS proposed to substitute £2 for £1.

MR. VERNON HARCOURT said, he did not object to the proposition.

MR. RAIKES proposed to substitute £5 for £2.

MR. M. CHAMBERS said, he must object to the proposal. The registrar might be of opinion that the question before him was one which ought to be submitted to the decision of the revising barrister, and if the revising barrister did not think the objection frivolous the penalty ought not to be imposed.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clauses 29 to 40, inclusive, *agreed to*.

Clause 41 (Commencement of Act).

MR. COLLINS said, he supposed it was clearly understood that the Bill was not intended to apply to the registration this year.

SIR CHARLES W. DILKE assented.

MR. VERNON HARCOURT proposed that the amount of fine a revising barrister should be empowered to impose upon an assessor for neglect of duty should not exceed £20.

Amendment *moved*, to omit £20, and insert £10.

Amendment *agreed to*.

On Consideration of the postponed clauses,

Clause 13 (Appointment and powers of revising barristers).

Amendment *moved*, to omit "fifty," and insert "ten," in page 9, line 42.

Amendment *agreed to*.

Clause *agreed to*.

Remaining clauses *agreed to*.

Bill *reported*; to be *printed*, as amended [Bill 256]; *re-committed* for *Tuesday* next.

House adjourned at ten minutes before Six o'clock.

[APPENDIX.]

APPENDIX.

ELECTIONS (PARLIAMENTARY AND MUNICIPAL) BILL.

The following is a fuller Report of the Speech of Sir
MICHAEL HICKS-BEACH on the Motion for going into
Committee on the Bill, June 29, 1871.

SIR MICHAEL HICKS-BEACH said, he desired to call attention to the manner in which this question had been treated by the Government during the last two Sessions. At the commencement of the Session of 1869 Her Majesty was advised in the Speech at the opening of Parliament to recommend that Parliament should inquire into the present modes of conducting Parliamentary and municipal elections, and consider whether it would be possible to provide any further guarantees for their tranquillity, purity, and freedom. A Committee of considerable weight and authority was accordingly appointed, on the Motion of the Prime Minister, who entered fully on the whole question, and it was not too much to say that Her Majesty's Government practically delegated to that Committee the authority to inquire into the matter, and people had expected that the Bill now before the House would be in accordance with the recommendations of the Committee. They recommended that the law relating to the avoidance of seats on account of corrupt practices should be placed on the same footing in Parliamentary and municipal elections. They recommended a considerable multiplication of polling-places in counties, and some better provision for the recovery of damages in cases of destruction of property by riotous mobs during the time of election; and, finally, although they recommended the inviolability of the vote, they, on the Motion of the hon.

Member for Bedford (Mr. Whitbread), introduced a proviso that there should be an exception to that inviolability in cases where bribery or personation had been proved. Now, he had to ask if the Bill before the House contained any one of these proposals. On the contrary, it contained proposals which were negatived by the Committee, so that it might be fairly asserted that the Bill did not represent the opinions of that important Committee, but was merely a Bill forced on the Government by the hon. Member for Huddersfield (Mr. Leatham), and the hon. Member for Brighton (Mr. Fawcett). He had said the Committee was an important one; but he did not know if the epithet was applicable, for he thought there was some force in the remark which was made out-of-doors, that the Committee was appointed in order to afford some reasonable excuse for the conversion of the noble Lord (the Marquess of Hartington) and the right hon. Member for Morpeth (Sir George Grey) to the principle of the Ballot, to which they had been so long opposed. Therefore, in discussing the Bill, he should treat it entirely as a measure for the introduction of the Ballot; and, looking at it in that view, he could not disguise his satisfaction that they had passed the period of second readings of Bills which had only been introduced to be withdrawn, and had now before them a detailed scheme for the purpose. He could hardly call it a com-

plete scheme when he looked at the 20 pages of Amendments with which the Notice Paper had been crowded by hon. Members on the Government side who supported the Ballot on principle. It had been generally admitted in this debate, and universally admitted by the Members of the Government, that open voting was in itself preferable to secret voting, and therefore he would not attempt to argue that question. It must be clear to everyone that secret voting offered an opportunity for fraud by allowing the voter to deposit two papers in the ballot-box, but no elector could vote twice at the same time if he gave his vote *viva voce*; therefore, *prima facie*, open voting was better than secret voting. But Her Majesty's Government had recommended secret voting as a remedy for the evils of intimidation and bribery, which they declared prevailed to an extent never before witnessed, and which they declared also could be remedied in no other way. He would therefore show, first, that if the Ballot were secret it would not put a stop to intimidation and bribery; and, secondly, that the Ballot, though it would be legally secret, could not in this country be practically secret, and therefore it would not only not stop those evils, but, in addition, the fact that the vote could not legally be traced would give rise to others, from which, up to the present time, we had been free. Let it be supposed, then, for a moment, that the Ballot could be really secret. Would it in that case put a stop to bribery? The Committee had reported that county elections were, in the main, free from bribery; he would not therefore consider them. In the case of small boroughs nothing could be more easy than for a candidate to make a bargain with the leader of a club that he should pay a certain sum of money to the voters for his return. The noble Lord the Chief Secretary for Ireland said on Monday last that that could never go on, because the leader of a club of voters would take the promises of both candidates; but he seemed to forget that the money would be paid conditionally on success, and as regarded the man who failed he would have to pay nothing, but would know better next time, and offer a higher price. The hon. Member who had last spoken said that secret voting would eradicate bribery and make it more dangerous. He

quite agreed with the hon. Gentleman that it would make bribery more dangerous, but in this sense — that the persons who had been bribed would never be found out. In the case of large borough constituencies, an arrangement with a club of voters such as he had described might be impossible owing to the number of voters; but even if that were so, bribery would still exist in such large constituencies. Why, had hon. Members so soon forgotten the result of the Election Petition for Bristol? On that occasion a test ballot was conducted with perfect secrecy; voting was confined to members of the Liberal party, and what was the result? Mr. Baron Bramwell's statement of the case was that on the occasion of that test ballot, and after the receipt of the writ for the election, two agents of Mr. Robinson gave trifling sums to voters to vote for him in the test ballot, and one agent gave drink to voters for the same purpose; some of the voters so dealt with voted in the test ballot for Mr. Robinson; others voted for the other candidates. But did the uncertainty of the vote stop the giving? The giving of both money and drink was solely for the purpose of inducing the men to vote in the test ballot. Surely after that they would not hear much more of the abolition of bribery in large boroughs by secret voting. Hon. Members opposite were disposed to admit that secret ballot would not put a stop to bribery, and he would notice the words which were addressed to the Committee by one of its Members (Mr. John Bright), who had always been a consistent advocate of the Ballot, and which were afterwards inserted in the Report. These were only to the effect that the Ballot would secure a "greater degree" of freedom and purity than was secured under the present system. And if he rightly understood the Vice President of the Council in his speech on the introduction of the Bill, he only considered that the Ballot would prevent bribery where the voter was bribed to vote against his real opinions. But how many persons had no real political opinions at all? He entirely agreed with what the hon. Member for West Norfolk (Mr. G. Bentinck) had stated, that where one man was willing to give money for a vote, and another man was ready to give a vote for money, no legislation on the part of that House would

be sufficient to prevent bribery. One of the witnesses from Australia (Mr. Verdon) stated before the Elections Committee that in one of the Australian colonies a candidate had paid a sum of money for the conveyance of voters to the poll, although he could not possibly afterwards know for whom they had voted. And Mr. Wilson, of Tasmania, admitted, in a Paper recently laid before the House, that a wealthy candidate or committee-man might sometimes offer a poor elector substantial inducements to vote in a particular way under the secret ballot which prevailed in that colony. Turning to the question of intimidation, he did not think there was any point on which so much exaggeration had been used as on that. The hon. and learned Member for Taunton (Mr. James) the other day told the House that he would not have supported the measure were it not for the immense increase of intimidation. But if intimidation prevailed to the extent which some hon. Members appeared to suppose, he should be inclined to conclude that the spirit of liberty was so nearly extinct in this country that no change in our system of voting could possibly revive it. However, he believed it could be distinctly shown that intimidation was powerful only when there was no potent feeling on the other side, and that the slightest breath of popular excitement would be sufficient to sweep it away like a straw before the wind. Now, what was the case in Ireland? The Committee reported in very strong terms upon the prevalence of intimidation in that part of the country, and the noble Lord the Chief Secretary for Ireland, in his speech on Monday, stated that the present system of Irish elections was a disgrace to a civilized community. But what were the real facts which had lately happened there? They had always heard that intimidation in Ireland was the intimidation of the landlords on the one side, and the priests on the other. The hon. and learned Member for Dublin University (Mr. Plunket) the other night had very well told the House that the provisions of the Land Bill had effectually taken away the power of intimidation from the landlords. And with regard to spiritual intimidation, was there a constituency in the whole of Ireland supposed to be more under the dominion of the priests than Meath, and what happened there under the system of

open voting? Why, the popular candidate was returned in spite of the priests? ["No, no!"] Well, if hon. Members said no, he could reply that that was stated in all the papers. Again, what happened in Westmeath? When the two candidates started, one of them was certainly supposed to be more the favourite of the priests than the other; but the priests found that the only way they could maintain their influence was by going with the stream in favour of the Nationalist candidate. It hardly seemed that the Ballot was necessary to put down either the landlord or priestly intimidation in Ireland. But even if it were, did any hon. Member think that spiritual intimidation could be stopped by secret voting? That was a point that scarcely needed argument. If a man believed that in a future state he would be punished unless he voted as his priest told him, he would vote in that way, Ballot or no Ballot. But the great argument of the advocates of the Ballot in past years, was the intimidation said to be exercised by the landlords in English county elections. They had not heard very much of that during recent debates, and the reason was because everyone was convinced that the feeling of the county constituencies was essentially Conservative. If they wanted an old Tory, a man averse to change, jealous of the towns, and hating centralization, they must look for him among the small farmers and yeomen in the rural districts. Landlords and tenants voted together because they were bound by the same sympathies and interests, and where those interests differed on any important question, the tenant would be found, as in Scotland, ready to take an independent course. What landlord in his senses would turn out a tenant for voting against him? If the tenant was a good one, the landlord would lose just as much as an employer by dismissing a good workman. And not only would the landlord lose in pocket, but his party would also lose in political influence. But wherever intimidation was exercised, the Ballot would never prevent an intimidator from saying to a voter—"You shall work for my party, you shall canvass for my candidate, and support him at public meetings;" and if the elector voted for the other party at the poll, did hon. Members think he would be able

to keep his secret? After the election, what would be easier than for a landlord or employer who had a great many tenants or workmen, voters in a particular district, to go round and ask each how he had voted, and to compare the results with the published results of the poll, which would infallibly disclose everything if the tenants or workmen in question formed a large proportion of the voters in any particular district. All the Ballot would do with regard to intimidation, was to afford excuse for suspicion where at present no suspicion arose. The honest voter, who wished to vote with his landlord or employer from personal attachment, which might be stronger with him than political opinion, would be subjected to suspicion, and in that way infinitely more trouble and discomfort would be caused than could arise under open voting. They had been told—and it was a curious instance of the argument from a less to a greater—that the secret ballot had succeeded in Australia, and therefore must succeed here. He wished to attach every possible weight to the evidence which emanated from men who had sat in that House, and whose conduct there freed them from any suspicion of being prejudiced in favour of the Ballot. They had testified to the success of the Ballot in Australia; but they had other evidence on the point. Some years ago a Gentleman, who then, as now, was a Member of Her Majesty's Government, said—

“For several years he had given but one vote upon this subject, and that was for the Ballot. Since that time, however, he had thought much on the Ballot, and the more he thought of it the less he liked it. These objections had not been lessened, but increased by his Australian experience at the Colonial Office. . . . The circumstances of Australia were so different from the state of things in the old country that no safe conclusion from the one was applicable to the other.”

The right hon. Gentleman who used those words was then Under Secretary for the Colonies, and now held the office of President of the Board of Trade. The right hon. Gentleman had changed his opinions on this subject twice already, and it was to be hoped he would change them again. He did not want to taunt the right hon. Gentleman; he would merely point out that the right hon. Gentleman was either right in the opinions he had quoted, or he was wrong.

If he was wrong, then colonial experience was not always so very valuable. If he were right, no words could express the matter better than he had put it. In almost every point the state of the Australian colonies offered scarcely any analogy to the state of this country. He would take one point—the anxiety of the rich to enter into Parliament. That was the case in this country, but not in Australia; and, indeed, all the evidence was to the contrary effect. He had himself heard that a rule in a leading Australian firm was that no partner should demean himself by entering any of the Colonial Assemblies; and, as a rule, the rich in Australia took very little part in politics, either as candidates or electors. Indeed, in those colonies which had adopted the principle of payment to Members, the majority of the candidates were men who had failed in all other pursuits. Some years ago Lord Lytton delivered a speech in that House in favour of the Ballot, though he had changed his opinions since, and in doing so he admitted that in Rome the Ballot was not effective against bribery. All barriers were in vain against the enormous fortunes and gigantic ambition of the patricians, who came to the elections laden with the spoils of exhausted nations, and devoted the plunder of other countries to the corruption of their own. And if we turned to the present state of our own country that description would not be so very inapplicable. So long as that House was the most powerful Assembly of its kind in the world—so long as men of the highest position and the greatest intellect desired to serve their country there—and so long as seats within those walls afforded passports into society, so long would wealthy men spend their riches more freely to reach the position of a Member of Parliament, than for any other object of personal ambition in the world. They had in this country what they had not in Australia, persons ready to bribe, and others ready to be bribed; and, beyond that, we had in this country long traditions of bribery. In Australia the working classes were so independent, and were in the receipt of such good wages, that intimidation was impossible, and bribery would be no inducement whatever to them to give their votes. Look at the comparative position of England and Australia in reference to area and popu-

lation. New South Wales had a population of 500,000, and as many square miles of territory; Victoria, 715,000 population, and 87,000 square miles; Tasmania, 100,000 population, and 26,000 square miles; South Australia, 163,000 population, and 383,000 square miles; whilst England and Wales had more than 22,000,000 of population, and only 58,000 square miles of territory. Every one of such constituencies as Liverpool, Manchester, or Leeds, to say nothing of the metropolitan boroughs, contained a population at least double that of the whole colony of South Australia. The conclusion at which he arrived was that no argument from the success of the Ballot in Australia was of any value as applied to this country, and that bribery and intimidation could not be put down in England by secret voting. His next position was that the Ballot could not be practically secret. All the evidence showed that it was no secret in Australia. Mr. Dutton told the Committee on Elections that in South Australia, in constituencies averaging 1,500 each, from 300 to 500 voters signed a requisition to a candidate, and so showed where their sympathies lay. Mr. Fitzgerald said that in Victoria the electoral agent of a candidate for a constituency of 1,200 electors foretold within three votes the result of an election; and Lord Canterbury stated that in Victoria very few persons availed themselves of the secrecy of the Ballot. The great body of our race, both in England and in Australia, were much too independent to be anxious for secrecy; and they would not conceal their votes. At the election of the School Board last autumn in London the election was open in the City of London, and secret throughout the rest of the Metropolis. It was conducted with a very considerable amount of order, except in Lambeth, where there was considerable rioting during the evening, and the ballot-boxes had to be protected by the police. But wherever they went that day they heard men openly saying for whom they voted, and showing their papers to one another, and to the agents of the candidates at the polling-places. In no country in modern times had voting ever been entirely secret, and if there was not entire secrecy, then the Ballot would be of no use at all to the few who wanted to conceal their votes. From our own country he would turn to

one which, more than any other in the world, resembled it in the character of its institutions, in the manners and habits of its population, in the strength of party feeling and importance of the issues decided by popular election, and in the freedom which allows every man whether in private or in a public meeting, to express frankly and openly his political opinions. He ventured to say that in the United States they had never been able to arrive at a secret ballot, and the hon. Baronet the Member for Chelsea (Sir Charles Dilke) expressed that opinion before the Parliamentary Committee. This failure had not been because they had not tried to obtain secrecy. In Massachusetts, according to the original constitution of the State, the polling was secret; but it was found that fraud arose, and then the alteration was made that the paper should be placed in the box unfolded, so that practically the vote was given openly. It happened, however, that the heads of some large manufacturing firms were accused of intimidation, and a proposal was carried for a secret vote, the voting paper to be placed in an envelope and then placed in the ballot-box. But this again was repealed owing to the frauds to which it gave rise, and the system of voting at that time in Massachusetts, though legally secret, was practically open. In Rhode Island there was secret voting from 1851 to 1854; but the inhabitants seemed to have become satisfied that such a course of proceeding was ineffectual or inexpedient, and now it was open to the voter to vote secretly or not. The Government supplied the envelopes that contained the secret voting papers; but comparatively few such envelopes were now applied for, and the number was decreasing year by year. In New York State the voting was practically so open that a skilful election agent could tell immediately on the closing of the poll, within 5 per cent, how the voting had gone; and yet in that State there was a provision that the voter should put his paper into the ballot-box in such a way as to conceal it from the returning officer and from the bystanders. This proved that they could not have practical secrecy under the Ballot in any country, the circumstances of which could be fairly compared with those of England. But if that were so, and the Ballot were open,

would there be less bribery and intimidation? In America it was impossible for landlords to intimidate tenants, because there were no tenants to be intimidated; or for employers to intimidate workmen, because, as a rule, the demand for labour was so much in excess of the supply that the workmen had it all their own way, and the employer, unless in exceptional cases, had no practical control over workmen. But there was a kind of intimidation that was extremely prevalent, and that was the intimidation of the mob. In New York respectable voters were driven from the poll by roughs, the opinions of the voters being sometimes known, but more frequently suspected. In Rhode Island, also, it was said that the number of those voters who could be bought was alarmingly large, and many more could be influenced in various other ways, so that the State could be carried by any party who could furnish the necessary funds and possessed the necessary influence of employers or customers. Professor Morse had been quoted to show that corruption was almost unknown in the United States. But this must be a play upon words. In the sense in which we used the word, corruption might be almost unknown, because in those large constituencies it did not pay to bribe individual voters with sums of money. Candidates could spend their money better in providing drink, or in inducing the officials or other persons to commit frauds. There was also another mode of corruption in America, of which we happily had no experience. It was not always the candidates or the party who provided the means. Corruption was carried on at the expense of the public and of the State. A system under which every person holding office, from the President to a policeman, was subject to the result of an election, afforded the strongest inducement to persons of all ranks to work for their party in the hope that either they or their friends might be elected to office; and when put into office they took care to reward themselves for their work. Every thinking man in America was of opinion that this was one of the most infamous systems ever introduced into the Government of a country. Intimidation and corruption of certain kinds being thus shown to exist in America under the Ballot, were there no electoral evils

arising from that system from which we were free? Mr. Brightly, of Philadelphia, who had been a voter for 30 years, declared that he should prefer a trial of open voting—

“As nothing could be worse than the present system. The secret Ballot is the parent of so many frauds upon the popular franchise, that it is but seldom that the return reflects the popular will. These frauds would not be easy of accomplishment, if the vote were open.”

He was aware that the system of registration in America was open to the greatest abuses; but most of these frauds were to be traced to the absence of any kind of scrutiny—the very system which the Government recommended in this Bill. Let him quote, upon this point, the Report of a Committee appointed by the House of Representatives to decide an Election Petition from the State of Ohio—and, he might add, that the Ballot did not prevent Election Petitions in America; there were as many in proportion to the number of representatives as in England. In this case a scrutiny was necessary into votes alleged to have been given by persons not duly qualified as electors, and it was necessary to determine what evidence should be taken to show for which candidate such votes had been cast, that they might be struck off the poll of the candidate who had received them. The Report of the Committee stated that, as under the Ballot the vote could properly be known only to the voter himself, the fact for whom a vote had been given must be determined by circumstantial evidence alone, as the voter could never by law be required to disclose this secret. Therefore, at contested elections in America, Members were actually unseated upon evidence which must often be of the vaguest description—so vague that in this country hon. Members admitted it would not be sufficient to induce a landlord to turn out a tenant, or for an employer to dismiss a workman. This state of things in America had led several States to adopt a system under which a scrutiny was possible. He had the honour of meeting Mr. Kerr, of Indiana, a Member of the House of Representatives, and for many years Member of the Committee of Elections, and he said that it had been found that in contested Election Petitions in his State that persons would swear they had voted for A, when the circumstantial evidence gave

every reason to suppose that they had in fact voted for B; but the Committee had to take the oath of the voter with regard to a fact of which he alone could be personally cognizant, as outweighing the circumstances; and thus justice had been so often defeated, that the State of Indiana had now adopted a power of scrutiny in place of the entirely secret ballot. In Illinois the power of having a scrutiny had long existed, and the evidence showed that it was absolutely necessary that there should be such a power if fraud was to be kept down; and Mr. Horace White, of Chicago, stated that this power of examining the ballot papers after the election had never been used for purposes akin to intimidation, or except in cases of alleged fraud. As to personation, it existed both in New South Wales and Queensland, and in the former it was largely increasing. In neither colony was there a power of scrutiny. In Victoria there was such a power, and the evidence of its working was that it had not tended to diminish the security to the voter, nor was there any reason to suppose that the power of identification was ever used for purposes not contemplated by the law. The right hon. Gentleman (Mr. Forster) admitted that safeguards were required against personation; but said it was not more dangerous under secret than under open voting, because the offence was committed before the vote was recorded. But in the one case you had means of detection which were impossible in the other. Where a non-resident county elector, well known by name as a Conservative, but unknown by sight to anyone at his polling-place, was personated by a man who voted for the Radical candidate, a case of suspicion at once arose under open voting, which would not exist under the Ballot. Again, the clause of that Bill which imposed a heavy penalty upon those who improperly accused others of personation, would make men very cautious how they made accusations of this kind, and the result would be that offenders would seldom be proceeded against. But the main reason why personation would be so much more dangerous under the Ballot than under open voting was that, at present, charges of this kind were made in the interest of the candidate who had suffered by the offence; but under a system of secret voting neither candidate would

have any inducement to prosecute, because neither would have any means of knowing with certainty how any man had voted. The right hon. Gentleman also alluded to the use of forged papers, and said he had guarded against that fraud by the provision that the voting papers should be stamped. That arrangement might afford some protection; but still there would be no means of proving that the paper which any voter put into the ballot-box was the same as the presiding officer had given him. In the case of the school board elections he knew that it was perfectly possible, whenever the room was at all full, for the voter to walk out of the booth undetected, taking his ballot paper with him; but, whatever effect the provision might have in other respects, it would not insure the correctness of the voting paper if a returning officer were tempted to commit fraud himself, or to allow others to forge the stamp. He failed to perceive anything in the Bill to prevent the officials having charge of the election from tampering with the voting papers. It was all very well to say that after the election the ballot-box would be taken away and sealed up with the seals of the candidates; but there was nothing more easy than to take an impression of a seal, open the ballot-box, and re-seal it; and, indeed, there were hundreds of ways in which a fraudulent or unscrupulous returning officer might evade all the provisions put into the Bill to protect a voter against fraud. The hon. Member for Cambridge (Mr. R. Torrens) stated before the Committee which sat on this subject that the candidates in South Australia had complete confidence in the returning officer appointed by the Crown. In that happy country such confidence might prevail, though it did not exist in France under the Imperial *régime*, nor was it likely the Nationalist candidates in Ireland would have confidence in the returning officers nominated at Dublin Castle. Nay, to come nearer home, the returning officers for boroughs in England were the mayors, and the election of mayors and town councillors depended every year more and more on political grounds and less on their fitness for the office. Was it to be supposed that Radical voters would on all occasions have implicit confidence in the conduct of a Conservative mayor, who appointed his assistant returning

officer and the poll clerks? What happened across the Atlantic? In New York the poll clerks were appointed by a non-political body, yet they were admitted to be open to fraud, and even the agents of one party were notoriously bribed by the other. New York was peopled by much the same race as that which composed a large portion of our constituent body; and what was to prevent the same practices being resorted to here? And could anything be more illogical than the immense trust which hon. Members opposite were willing to repose in these returning officers? They argued that the wealthiest and most educated class in the country were so debased in political principle that they only cared to intimidate all those whom they had under their influence; that the mass of the population were so corrupt, that they must be protected against their own readiness to yield to the temptation of a bribe, and so steeped in hypocrisy as to be able to pass their lives in pretending to support one political party and on the polling-day to vote for another. They said that honour had left the earth, and yet they seemed to believe that she had taken up her abode in the breasts of one favoured class, and that was the class of returning officers. In them was placed the most implicit confidence, and yet this confidence was of a very remarkable nature; for while a scrutiny must be rendered impossible lest these immaculate officials should reveal the votes of a few timid electors, they were trusted to count up with honesty and accuracy the votes of all the constituencies. A great deal had been said about freedom of election; but was it freedom of election if a voter could not prove to his own satisfaction that his vote had actually been reckoned in favour of the candidate whom he wished to support? The House might now, or at some future day, pass the

Bill; but if there was any reality in the danger he apprehended it would not be long before the electors would find that secrecy had been converted into an engine of fraud, and that the fancied security for which they were now ready to give up publicity had been purchased at far too dear a price. He believed that secrecy of this kind was foreign to the nature of Englishmen. In words used the other day by the Chancellor of the Exchequer, he said—*Non sic fortis Etruria crevit*. Our ancestors won their liberty openly and in the light of day. We, in the full enjoyment of that liberty, are asked to hand over our electoral system which was free, because it was essentially public, to the secret manipulation of a tribe of officials, who were but men, and who would be subjected to every variety and amount of temptation of which human ingenuity was capable—temptation which would be irresistible because it would be impossible if they yielded to it to find them out. He admitted to the full the evils of bribery and intimidation—he regretted their prevalence; but he would trust for their suppression to the spread of education amongst the people and the growing influence of public opinion, largely increased as it had been by the extended suffrage which had been so recently bestowed. He was as anxious as hon. Members opposite that the franchise which had been so freely given should be freely exercised; but he feared that there might arise an evil in the future even greater than bribery and intimidation—far more dangerous to electoral freedom—and that was an organized system of fraud; and it was because there was that danger, because in the Bill he found everything to favour such a system and nothing to check it, that he most cordially gave his vote for its rejection.

ARMY REGULATION BILL.

The following is a fuller Report of the Speech of His Royal Highness the Duke of CAMBRIDGE on the Motion for the Second Reading of the Bill, July 14, 1871.

THE DUKE OF CAMBRIDGE: My Lords, the allusion which my noble Friend the noble Earl (Earl Russell) has made to the special position of the Commander-in-Chief of Her Majesty's Army justifies me in bringing prominently to your notice, on rising on this most important occasion, the peculiar position which that officer fills when he accidentally forms a Member of your Lordships' House. I say accidentally, because your Lordships must be aware that my position here is not by virtue of any specific appointment, but that I hold my seat here merely as an individual Member of the House. At the same time, I cannot lose sight of the fact that, holding that status, I have a great responsibility in connection with the Army of the country. That point has been most forcibly placed before you by the noble Earl who has just sat down, and I thank him for the very kind manner in which he has done it. I should have felt it at any time, and I feel now more especially, that if ever there was a moment when the opinions which the noble Earl has expressed on that point must strike more forcibly than at another it is now, when, if this measure be passed into a law, on the Commander-in-Chief is to devolve the most serious responsibility of that selection, which all admit is difficult, and many declare to be next to impossible. My Lords, an idea was expressed yesterday that if selection were to become the rule of the service it would fall entirely into the hands of the Members of the Treasury bench, who conduct the business of the country. I trust that would not be the case. My Lords, I venture to hope that such a state of things will never arise—I hope it will never arise because the officer charged with these responsible duties should be entirely free from all political bias, all political feeling, all political impulse; and, if not, he cannot hope to command the confidence of the Army over which

he presides or the confidence of the country. Therefore I heard with great satisfaction the opening observations of the noble Earl. My Lords, though selection is not the subject that is uppermost in my mind, still there are reasons why I refer to it first. A noble Lord has said that the proposed system of selection must entirely break down the regimental system. If it is to break down the regimental system, I, for one, cannot conceive anything more detrimental to the interests of the Army of this or any other country. I believe that the efficiency of the English Army, and of every Army, depends mainly upon the regimental system. Without it there would be little or none of that *esprit de corps* which is the very quintessence of a good Army. The regimental system represents the unit of the service, and is the tie and bond that makes an Army out of what would otherwise be a mere collection of soldiers. But I venture to imagine that when this question of selection was put forward—extremely dangerous as it may be to whoever has to administer it—it was not contemplated to break down the regimental system. On the contrary, when the question of selection was raised, I distinctly said that I did not for a moment wish to see the regimental system broken down. It is intended, unless I am greatly mistaken, that after purchase has been put an end to, the system shall be one of seniority tempered by selection; for example, if an officer is unfit to command a regiment he will not, by the course of promotion, receive the command of one, and, on the other hand, eminent professional talent will be recognized and encouraged; but care will be taken, as I understand, to preserve the regimental system as far as possible, providing also that purchase does not revive under a new form. My Lords, I observed that last night the noble Lord the Under Secretary of State dwelt upon the fact that

out of a number of officers commanding regiments one-half were men who had served in other corps. That statement is doubtless correct; but I do not think that it altogether justifies the inference the noble Lord drew from it. I think it is to be accounted for by the great addition made to our forces during the Crimean War and Indian Mutiny. Many new battalions were then raised, and for the purpose of officering those battalions it was necessary to take officers from various other regiments; and then your Lordships must remember that the Army has been largely increased of late years, which has led to many more changes than would otherwise have taken place. Moreover, it is beyond dispute that it is sometimes desirable that an officer should be brought from one regiment into another, and that the regular and usual flow of promotion should be occasionally deviated from. As I have said, the regimental system is one of the most important of this or any other Army. If care is taken that purchase does not again become the ordinary course of promotion, and if promotion is made to flow on regularly as a matter of certainty in a regiment—and that, I think, is the intention of selection—I am sure it was the intention of the noble Duke (the Duke of Somerset) and of the Royal Commission which proposed the question of selection as regards the command of regiments—I think that selection, however painful it may be to the officer who has to perform that most delicate and most difficult task, may be carried out with the confidence of the Army and the confidence of the country, but on the express condition that the selecting officer keeps himself entirely removed from all political bias. I said, in 1857, I was prepared to undertake the duty of selection if that course were decided upon, and if I have the confidence of the Army and the confidence of the country, I am prepared to undertake it now. Having thus dwelt upon the question of selection, I hope your Lordships will bear with me while I draw attention to the circumstances under which this subject has been brought to your notice. In the course of last summer, to the indescribable astonishment of every nation in Europe, and of no nation more than our own, we found that an immense European contest had sprung up within a short distance of our own shores; and

undoubtedly the feeling of this country, shared by everyone of your Lordships and by every Member of the other House, was that the military status of this country was not in a condition to meet, at a very short notice, the emergencies that might arise. We had treaty engagements which the nation was fully prepared to maintain; but when we came to examine into the state of our organization there was little ground for satisfaction. The spirit and high character of the British nation were still the same; but our Army organization was so utterly defective that the time had evidently arrived when something should be done in order to place it on a more secure and satisfactory footing. That was the origin of the measure which is now before your Lordships. That measure, and every part of it, was introduced and recommended to Parliament on the responsibility of Her Majesty's Ministers. The person holding the office I have the honour to fill has not to initiate measures to be brought forward. He has executive duties to perform, and those duties he performs under successive Governments so long as he thinks he can do so with credit to himself and to the satisfaction of the country. The initiation of measures like the one under consideration rests with the Government; but in the performance of my executive duties I was called upon to assist the Government in the preparation of the details connected with this measure. It is essential that these things should be known in order that your Lordships may see the course of events with reference to this measure. My Lords, one of the most important points connected with Army matters is that of recruiting. I have never denied—nay, I have said repeatedly in this House that I have great doubt about the question of short enlistment; still the proposal was a tentative one, and I thought short enlistment was the best course to adopt at a time when we had no Reserves, and the Government wanted rapidly to form an Army Reserve. If you could maintain your Army to the extent which is required by long service, I, for one, should not hesitate to say that long service was the right and proper policy to pursue, and I believe that it is the most acceptable and the most suitable policy for the country. But that was not the question. I do not believe that Her Majesty's Government wished to throw the slightest

slur on the British Army. Your Lordships know very well that I should be no party to any course intended to throw a slur on the British Army. I thought it was right to make a tentative effort to get more men in the shortest possible period, and the only way of arriving at that was by a shorter enlistment. If the men could not be procured on these conditions, we had the means of reverting to the old system, and again enlisting those valuable long service men whom the noble Earl has so well described. Well, that is the view I have taken of the short service proposal. I may observe, in passing, that I do not think the Secretary of State for War ever said that six months' drill was enough for a soldier, but only that six months' drill is a great advantage to a Militiaman; and, undoubtedly, very preferable to 28 days' drill. Of course, I could not for a moment subscribe to the idea that six months' drill could possibly make a thorough soldier; indeed, I should be very sorry to see three years' service made the rule, because I think that six years is hardly enough. But now as to the question of purchase. No doubt when the proposition for the abolition of purchase was first propounded, every person acquainted with the subject felt that to abolish that system would involve an enormous expenditure if justice were to be done to the officers, and but few were of opinion that the country would be inclined to submit to the necessary sacrifice in order to carry out the change. It was natural, under these circumstances, that many should have preferred rather to retain the purchase system than to be parties to what they regarded as injustice. But viewing the matter in the abstract, I must say I coincide with the noble Earl (Earl Russell), that as a principle it cannot be defended for a moment. Therefore I agree to that extent with the noble Lord who moved the second reading of this Bill, that the purchase system cannot, as a matter of principle, be defended. I have said so before, and I say so now. But it may be asked—"Why, holding that opinion, did you give evidence in favour of retaining purchase before the Commission that sat to inquire into the subject?" I did so for this reason—because I felt it to be absolutely necessary that there should be a flow of promotion in the Army, and because the purchase system maintained

such a flow—the money coming out of the pockets of the officers. But if the country is now prepared to make the necessary sacrifice, and is willing to incur a vast expenditure in order to put an end to the system, and is also willing to provide good retirements, the injustice of abolishing and the advantages of retaining purchase have been very much mitigated. It must, however, be borne in mind that this is an essential element in the case, and it strikes me I have read speeches in "another place" in which my right hon. Friend the Secretary of State for War has declared most distinctly that he intends that the flow of promotion shall be maintained at its present rate. That is the essential point. If the retirements are such that the flow of promotion is maintained at the same rate without, as with purchase, many of the objections connected with the abolition of purchase disappear. It is essential, however, that that flow should be kept up. Let there be no mistake about that—upon that the efficiency of the British Army will depend. It is very important that I should make this statement to the House, because it might be asked how, after what on former occasions has fallen from me, I could carry out the new system. But the difficulty always in my mind was the expense of the abolition of purchase, and it was only the Royal Commission of last year which enabled the Government to meet this objection, by admitting the necessity of paying the over-regulation prices, which, in strict point of law, is, indeed, inadmissible, but which was and is called for by principles of equity and justice. This admission of the Royal Commission, and the attitude of the Government, have greatly altered the conditions from those which existed when I gave my evidence before the Commission presided over by the noble Duke (the Duke of Somerset). I frankly confess that in 1857 I was not prepared to believe that the House of Commons would act so liberally as they have done. As, however, they have done so the question assumes a new shape. I believe the offer made may be looked upon as a liberal one—more liberal than I could ever have expected. I think it is unnecessary that I should enter into the details of this question. I may, however, state that I think that facilities should be given to every officer to exchange when he desires to take such a course, care

being taken that purchase shall not be re-introduced under another form. I am quite satisfied that in determining the question now before them, the House will take into consideration the fact that this very liberal offer has been made to the officers of the Army and the circumstances under which it has been so made. At the same time it is of course part of your Lordships' functions to exercise caution and prudence, and to weigh carefully the whole facts of the case before you proceed to determine it finally. I am not arguing that there is any difference between the debates in your Lordships' House and the other House of Parliament; but still the debates in this House are distinguished by a calmness and deliberation for which your Lordships' House is conspicuous; and under the peculiar circumstances of the case, I feel assured that the question will meet with that calm consideration at the hands of your Lordships which it so fully deserves. My Lords, I have endeavoured to avoid wearying you by entering into the details of the subject which have been very carefully dealt with by my noble Friend the Under Secretary of State, and I have carefully confined my observations to the leading features of the question. If anything has fallen from me that may tend to bring your deliberations to a satisfactory issue, I shall have the advantage of feeling that I have performed, to the best of my ability, a public duty. But before I sit down, with your Lordships' permission, I should like to take this opportunity of stating that whatever your decision may be, I feel convinced that the officers of the British Army of the present day are worthy of our admiration and respect, and that it may be said with truth of them that they have deserved well of their country. They are men under whose leadership the Armies of England have been successful under every clime and under every circumstances, and I for one should deeply deplore any change that might be produced by legislation in the character of the officers of our Army. With that feeling few are more deeply impressed than the Members of Her Majesty's Government. They are satisfied that the officers of our Army have always conscientiously done their duty, and that any shortcomings

that may have been apparent on the part of some of them have arisen solely from the want of that experience and information which we all admit they ought to possess. I trust most sincerely that your Lordships will believe that there is no reason to suppose that the abolition of purchase will lead to any relaxation of the zeal which they have hitherto shown in the performance of their duty. Had I entertained any fears in this respect, I should have been the first to have referred to them. But I firmly believe that their character will remain unchanged, and that as long as the present class of gentlemen enter the service—and I am happy to say that there is an abundance of candidates for commissions—so long will the British Army be able to keep up its good name, and so long it will reflect lustre on and be honoured by the country. If the officers were not well instructed, I should take that blame upon myself rather than throw it on them—for whom individually, indeed, I am not responsible, but for whose education, as to its mode and effectiveness, I am answerable—and I am perfectly certain that the present Secretary of State, or any of his predecessors, would be prepared to enable me to give to the officers generally facilities for acquiring a thorough knowledge of their profession. I believe that the spirit of the British gentleman and of the British citizen is the same now as it was formerly, therefore I do not see that by making the proposed change we shall be doing anything calculated to lower the tone of the British Army. I have endeavoured to explain to your Lordships my official position in connection with this subject. I have pointed out that I have, as an executive officer, assisted the Secretary of State in bringing this measure forward on the responsibility of the Government; and I can only say that, whatever may be the result of your Lordships' deliberations, my utmost efforts shall be devoted to the service to which I have been ardently attached from my earliest days, and to which I trust I may be permitted to consecrate the last energies of my life as a loyal servant of the Crown, and to the best interests of my country.

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VOLUME CCVII.

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Question, Sir John Lubbock; Answer, The Chancellor of the Exchequer July 6, 1220

Bankruptcy Disqualification Bill [H.L.]

(*The Lord Chancellor*)

c. Committee*; Report July 3 [Bill 168]
Read 3^o* July 10
l. Royal Assent July 13 [34 & 35 Vict. c. 50]

Bankruptcy (Ireland) Amendment Bill

(*Mr. Solicitor General for Ireland, The Marquess of Hartington*)

c. Bill withdrawn* July 17 [Bill 172]

BARNETT, Mr. H., *Woodstock*

Registration of Partnerships, 2R. 1188

BARROW, Mr. W. H., *Nottinghamshire, S.*

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Bath City Prison Bill

(*The Earl of Morley*)

l. Read 2^o* July 4 (No. 80)
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BEAUMONT, Capt. F. E. B., *Durham, S.*

Army Regulation, Comm. add. cl. 269

BELPER, Lord

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Benefices Resignation Bill

(*The Lord Bishop of Winchester*)

c. Read 3^o June 20 [Bill 174]
l. Royal Assent July 13 [34 & 35 Vict. c. 44]

BENTINCK, Mr. G. A. F. Cavendish, *Whitehaven*

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(*The Earl of Morley*)

l. Committee June 15 (No. 129)
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c. Read 1^o June 26 [Bill 213]

BIRLEY, Mr. H., *Manchester*

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BOUVERIE, Right Hon. E. P., *Kilmar-nock, &c.*

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(*Mr. Winterbotham, Mr. Secretary Bruce*)
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(*Mr. Osborne Morgan, Mr. Hadfield, Mr. M'Arthur*)
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Question, Mr. Grieve; Answer, Mr. Chichester Fortescue *July* 11, 1415; Question, Mr. Cawley; Answer, Mr. Goschen *July* 17, 1880

Chain Cables and Anchors Bill

(*Mr. Chichester Fortescue, Mr. Arthur Peel*)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1st * *June* 15
Read 2^d * *June* 19 [Bill 201]
Committee*; Report *July* 10 [Bill 232]

CHAMBERS, Mr. M., *Devonport*

Army Regulation, Comm. *add. cl.* 288
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CHAPLIN, Mr. H., *Lincolnshire, Mid.*

Elections (Parliamentary and Municipal),
Comm. *cl.* 3, 1764
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Charitable Donations and Bequests (Ireland) Bill [H.L.] (*The Lord O'Hagan*)

l. Presented; read 1st * *July* 13 (No. 258)
Bill read 2^d, after short debate *July* 18, 1928

Charities, &c. Exemption Bill [Bill 23]

(*Mr. Muntz, Viscount Sandon, Mr. Wheelhouse*)

c. Adjourned debate [10th May] resumed *June* 20,
344; Question put; A. 68, N. 116; M. 48;
words added; main Question, as amended,
put, and agreed to; 2R. put off for six months

Charity Commissioners Bill

(*Mr. Winterbotham, Mr. Secretary Bruce*)

c. Bill withdrawn * *June* 15 [Bill 99]
Question, Mr. Collins; Answer, Mr. Bruce
June 15, 69

CHARLEY, Mr. W. T., *Salford*

Army Regulation, Consid. 931
Elections (Parliamentary and Municipal),
Comm. 1244; *cl.* 2, Motion for reporting
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1366; *cl.* 3, 1379, 1661; Amendt. 1906,
1908, 1939, 1941, 1942
Lottery Acts, Res. 171
New Mint Building Site, Comm. Amendt.
1675
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Charters (Colleges) Bill

(*The Lord Privy Seal*)

l. Report * *June* 19 (No. 93)
Bill read 3^d, after short debate *June* 20, 296

CHELMSFORD, Lord

Ecclesiastical Titles Act Repeal, 2R. 1333
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214, 215
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Report, 1095, 1204

CHICHESTER, Bishop of

Union of Benefices, 2R. 51

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**Children's Employment Commission —
Brickfields—The Factory Acts**

Moved, that an humble Address be presented to Her Majesty, praying Her Majesty to take into Her consideration the state of the children in the brickfields as reported by the Commissioners in 1864, with a view to their being brought under the protection of the Factory Acts (*The Earl of Shaftesbury*) July 11, 1401; after debate, Motion agreed to Her Majesty's Answer reported July 17, 1792

CHINA

Coolie Emigration—Case of the Coolie Kwok-a-Sing, Question, Sir James Lawrence; Answer, Mr. Knatchbull-Hugessen June 19, 220—*French and Portuguese Flags*, Question, Sir James Lawrence; Answer, Viscount Enfield June 19, 222

Church Rates Abolition (Scotland) Bill

(*Mr. McLaren, Mr. Graham, Mr. Craufurd, Mr. Carnegie*)

- c. Moved, "That the Bill be now read 2^o" July 5, 1166
After debate, Amendt. to leave out "now," and add "upon this day three months" (*Mr. Gordon*), 1183; after further short debate, Question put, "That 'now,' &c.;" A. 121, N. 76; M. 45; main Question put, and agreed to; Bill read 2^o, and committed for this day two months [Bill 52]

Citation Amendment (Scotland) Bill

(*The Earl of Airlie*)

- l. Report * June 15 (No. 177)
Read 3^a * June 16
Royal Assent July 13 [34 & 35 Vict. c. 42]

Civil List Select Committee, 1837-8—Her Majesty's Household

Question, Mr. Dixon; Answer, Mr. Gladstone July 13, 1624

CLANRICARDE, Marquess of

Charitable Donations and Bequests (Ireland), 2R. 1928
Ireland—Four Courts Marshalsea Prison (Dublin), Motion for a Return, 135
Judicial Committee of Privy Council, Report, Amendt. 1205
Railways (Ireland), Motion for Returns, 1286, 1287

Clerk of the Peace Bill [H.L.]

(*The Lord Dufferin*)

- l. Read 2^a * July 11 (No. 180)
Committee * July 14
Report * July 17
Read 3^a * July 18

CLEVELAND, Duke of

Army Regulation, 2R. 1805
Burial Grounds, 2R. 294; Comm. cl. 1, 1200

CLIFFORD, Mr. C. Cavendish, *Newport, Isle of Wight*
New Forest, Res. 330

COCHRANE, Mr. A. D. W. Baillie, Isle of Wight

Army Regulation, Consid. 917
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COLCHESTER, Lord

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COLEBROOKE, Sir T. E., Lanarkshire, S.

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Registration of Partnerships, 2R. 1191
Registration of Voters (No. 2), Comm. cl. 2, Amendt. 1952; cl. 3, 1953; cl. 4, Amendt. 1956; cl. 6, Amendt. *ib.*; cl. 7, 1957; cl. 13, *ib.*; cl. 16, 1959; cl. 21, 1961; cl. 28, Amendt. 1962; cl. 41, *ib.*

COLONSAY, Lord

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CONOLLY, Mr. T., Donegal Co.

Army Regulation, Comm. cl. 7, 75
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Consolidated Fund (£10,000,000) Bill

(*Mr. Dodson, Mr. Chancellor of the Exchequer,*
Mr. Baxter)

- c. Ordered; read 1^o * July 11
Read 2^o * July 12
Committee *; Report July 13
Read 3^o * July 14
l. Read 1^o * (*Marquess of Lansdowne*) July 14
Read 2^o * July 17
Committee *; Report July 18

Contagious Diseases (Animals) Act

Question, *Mr. Holms*; Answer, *Mr. W. E. Forster* June 15, 70

Contagious Diseases Commission — the Report

Question, *Mr. Baines*; Answer, *Mr. Bruce* July 17, 1886

Conventual and Monastic Institutions

Moved, "That *Mr. Thomas Chambers* be discharged from further attendance on the Select Committee on Conventual and Monastic Institutions" (*Mr. Newdegate*) June 16, 186; after short debate, Motion negatived
Question, *Mr. Newdegate*; Answer, *Mr. T. Chambers* June 19, 224

CORBETT, Colonel E., Shropshire, S.

Army Regulation, Comm. cl. 7, 89; cl. 10, Amendt. 95, 96
Elections (Parliamentary and Municipal), Comm. cl. 3, 1838

CORRANCE, Mr. F. S., Suffolk, E.

Elections (Parliamentary and Municipal), Comm. cl. 3, 1880, 1892, 1436
Habitual Drunkards, 2R. 1525

CORRIGAN, Sir D. J., Dublin City

University Tests (Dublin), Leave, 1164

Corrupt Practices Act Amendment Bill

(*The Earl of Morley*)

- l. Read 2^a * June 22 (No. 173)

CORRY, Right Hon. H. T. L., Tyrone Co.

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Navy—Admiralty Administration, Res. 1476
Parliament—Public Business, 1892

Courts of Justice (Additional Site) Bill

(*The Duke of St. Albans*)

- l. Read 1^a * June 15 (No. 182)
Read 2^a * June 22
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Report * July 10 (No. 218)
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(*Mr. Secretary Bruce, Mr. Solicitor General, Mr. Shaw Lefevre*)

- c. Lords Amendts. considered June 19, 282

Amendts. as far as the Amendt. in page 2, line 11, read a second time, and agreed to
Page 2, line 11, leave out "with two or more persons," the next Amendt. read a second time; Moved, "That this House doth agree with the Lords in the said Amendt." put, and agreed to

Consequential Amendt. to insert after the word "House," in page 2, line 12, the words "where such person resides, or the approach to such house, or if with one or more other persons he watch or beset the place where such person works or carries on business, or the approach to such place, or follow such person in a disorderly manner, in or through any street or road" (*Mr. Secretary Bruce*); Question put, "That those words be there inserted;" A. 97, N. 147; M. 50; subsequent Amendts. agreed to

- l. Royal Assent June 29 [34 & 35 Vict. c. 32]

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(*Mr. Heron, Mr. Pim*)

c. Bill withdrawn * July 12 [Bill 33]

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(*Mr. Baxter, Mr. William Henry Gladstone*)

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l. Read 1^o * (*The Marquess of Lansdowne*) July 10
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l. Read 2* June 20 (No. 172)
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- c. Ordered; read 1° * July 10 [Bill 237]
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1. Report * June 15 (No. 178)
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1. After debate, Order for Committee discharged;
 Bill withdrawn June 22, 386 (No. 84)

Ecclesiastical Dilapidations Bill [H.L.]*(The Lord Archbishop of York)*

- c. Report of Select Committee * June 16
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 1. Royal Assent July 13 [34 & 35 Vict. c. 43]

Ecclesiastical Procedure and Registry**Bill [H.L.]** *(The Earl of Shaftesbury)*

1. Bill withdrawn * June 22 (No. 85)

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*mitted) Bill (Mr. Attorney General, Mr.
 Gladstone, Mr. Solicitor General)*

- c. Read 3° * June 14 [Bill 164]
 1. Read 1° * *(The Lord Chancellor)* June 16
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*(The Lord Advocate, Mr. Secretary Bruce,
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- c. Committee *; Report June 19 [Bills 17-205]
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Election Commissioners Expenses Bill*(Mr. Winterbotham, Mr. Secretary Bruce)*

- c. Ordered; read 1° * June 30 [Bill 220]
 Read 2° * July 3
 Committee *; Report July 6
 Read 3° * July 10
 1. Read 1° * *(The Earl of Morley)* July 11
 (No. 255)

Elections (Parliamentary and Municipal)*(re-committed) Bill*

*(Mr. William Edward Forster, Mr. Secretary
 Bruce, The Marquess of Hartington)*

- c. Committee June 22, 401 [Bill 103]
 Moved, "That it be an Instruction to the
 Committee, that they have power to provide
 for the redistribution of the seats now vacant
 through the disfranchisement of the Boroughs
 of Beverley, Bridgwater, Cashel, and Sligo"
(Mr. James Lowther); after short debate,
 Question put; A. 145, N. 254; M. 109
 Moved, "That Mr. Speaker do now leave the
 Chair"
 Amendt. to leave out from "That," and add "this
 House will, upon this day three months, re-
 solve itself into the said Committee" *(Mr.
 Cross)*, 410; Question proposed, "That the
 words, &c.;" after further long debate, De-
 bate adjourned
 Debate resumed June 26, 560; after long de-
 bate, Debate further adjourned

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Elections (Parliamentary and Municipal) Bill—cont.

Illiterate Electors, Question, Mr. Dixon; Answer, Mr. W. E. Forster *June 29, 742*

Debate resumed *June 29, 746*; after long debate, Moved, "That this House do now adjourn" (*Mr. Fielden*); Question put; A. 218, N. 340; M. 122

Question again proposed, "That the words, &c.;" Moved, "That the Debate be now adjourned" (*Mr. Knight*); Question put, and negatived

Question put, "That the words, &c.;" A. 324, N. 231; M. 93

Division List, Ayes and Noes, 858

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Bill considered in Committee; Committee—*r.p.*

Committee *July 4, 1097*

Moved, "That the Preamble be postponed"

Moved, "That the Chairman do now leave the Chair" (*Mr. Joshua Fielden*); after long debate, Committee—*r.p.*

Committee *July 6, 1225*

Moved, "That the Chairman do now leave the Chair" (*Mr. Newdegate*); after long debate, Question put; A. 63, N. 154; M. 91

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Clause 2 (Regulations as to election and nomination of members); Committee—*r.p.*

Committee *July 7, 1290*

Clause 2 (Regulations as to election and nomination of members); Committee—*r.p.*

Committee *July 10, 1351*

Clause 2 (Regulations as to election and nomination of members)

Clause 3 (Regulations as to polling), 1377; Committee—*r.p.*

Committee *July 11, 1417*

Clause 3 (Regulations as to polling); Committee—*r.p.*

Committee *July 13, 1646*

Clause 3 (Regulations as to polling); Committee—*r.p.*

Committee *July 14, 1744*

Clause 3 (Regulations as to polling); Committee—*r.p.*

Committee *July 17, 1903*

Clause 3 (Regulations as to polling); Committee—*r.p.*

Committee *July 18, 1936*

Clause 3 (Regulations as to polling); Committee—*r.p.* [House counted out]

Elementary Education Act (1870) Amendment Bill

(*Mr. Dixon, Mr. Bayley Potter, Mr. Jacob Bright, Mr. Muntz*)

c. Moved, "That the Bill be now read 2^o" *July 12, 1525*

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Collins*); after debate, Question, "That 'now,' &c.," put, and negatived; words added; main Question, as amended, put, and agreed to; Bill put off for three months [Bill 67]

Elementary Education Act (1870) Amendment (No. 2) Bill

(*Sir Thomas Basley, Viscount Sandon, Mr.*

Dison, Mr. Carter)

c. Ordered; read 1^o *July 5* [Bill 238]
Read 2^o *July 14*

ELLICE, Mr. E., *St. Andrews, &c.*

Church Rates Abolition (Scotland), 2R. 1178

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ELPHINSTONE, Sir J. D. H., *Portsmouth*

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Sheriff Court Houses (Scotland), 674

Emanuel Hospital—Saint Margaret's Hospital—Grey Coat Hospital

Moved, That an humble Address be presented to Her Majesty, representing that the proposed scheme of the Endowed Schools Commissioners for the management of Emanuel Hospital in the parish of Saint Margaret in the city of Westminster will have the effect of diverting a large portion of the endowments of the said hospital from the education of the poor to which they were assigned in the charter of foundation, and of withdrawing the government thereof from the Lord Mayor and Aldermen of the city of London against whose management no charge has been established; and praying that Her Majesty will withhold Her assent from the said scheme (*The Marquess of Salisbury*) *June 30, 862*; after long debate, on Question? Cont. 64, Not-Cont. 56; M. 8; resolved in the affirmative; Division List, Cont. and Not-Cont. 891

Saint Margaret's Hospital and the Grey Coat Hospital, Moved, that an humble Address be presented to Her Majesty, praying that Her Majesty will withhold Her assent from the schemes of the Endowed Schools Commissioners relating to Saint Margaret's Hospital and the Grey Coat Hospital (*The Marquess of Salisbury*) *June 30, 892*; after debate, Motion agreed to

Her Majesty's Answers reported *July 3, 962*

Endowed Hospitals (Scotland) Bill

(*The Lord Advocate, Mr. Adam*)

c. Ordered; read 1^o *July 13* [Bill 249]

Endowed Schools Act (1869) Amendment Bill

(*Sir John Lubbock, Lord Edmond Fitzmaurice, Mr. Thomas Hughes, Mr. Rathbone*)

c. Moved, "That the Bill be now read 2^o"
June 14, 2

Amendt. to leave out "now" and add "upon this day six months" (*Mr. Pease*); after debate, Question put, "That 'now,' &c.;" A. 64, N. 222; M. 158; words added; main Question, as amended, put, and agreed to; Bill put off for six months [Bill 55]

Endowed Schools Commissioners

Dr. Morgan's Charity, Bridgwater, Petition presented (*The Earl of Carnarvon*) June 23, 491; after debate, Petition to lie on the table

Elementary Education, Questions, *Mr. Gathorne Hardy, Mr. Beresford Hope*; Answers, *Mr. W. E. Forster* June 16, 140

Endowed Schools, Moved, That there be laid before this House, Copy of the List of Endowed Schools which it is proposed to include in the Scheme of the Endowed Schools Commissioners to be submitted during the present year (*The Lord Buckhurst*) June 20, 299; after short debate, Motion withdrawn

Harrow School, Order read, for resuming Adjourned Debate on Question proposed [13th June]; debate resumed June 20, 347; after further debate, Question put; A. 99, N. 71; M. 28

Question, The Duke of Abercorn; Answer, Viscount Halifax; short debate thereon July 7, 1277

Her Majesty's Answer reported July 7, 1314

ENFIELD, Viscount (Under Secretary of State for Foreign Affairs), *Middlesex*

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Disturbances at Wanstead Flats, Question, *Sir Henry Selwin-Ibbetson*; Answer, *Mr. Bruce* July 6, 1223; July 10, 1343

Inclosure at Wanstead Flats, Question, *Mr. Holms*; Answer, The Chancellor of the Exchequer June 22, 397

Epping Forest Bill

(*Mr. Ayrton, Mr. William Henry Gladstone*)

c. Ordered; read 1^o July 4 [Bill 224]

Read 2^o July 13

Committee^o—*n.r.* July 18

ESMONDE, Sir J., *Waterford Co.*

Local and Personal Acts (Ireland), 2R. 1543

Euphrates Valley Railway

Amendt. on Committee of Supply June 23, To leave out from "That," and add "a Select Committee be appointed to examine and report upon the whole subject of Railway communication between the Mediterranean and the Persian Gulf" (*Sir George Jenkinson*), 525; after short debate, Question, "That the words, &c.," put, and negatived

Question proposed, "That the words 'a Select Committee be appointed to examine and report upon the whole subject of Railway communication between the Mediterranean and the Persian Gulf' be added, instead thereof;" Amendt. to the said Amendt., by inserting, after the word "Mediterranean," the words "the Black Sea" (*Mr. Grant Duff*); after further debate, Question, "That those words be there inserted," put, and agreed to Question put, "That the words 'a Select Committee be appointed to examine and report upon the whole subject of Railway communication between the Mediterranean, the Black Sea, and the Persian Gulf,' be added to the word 'That' in the Original Question;" A. 86, N. 10; M. 76; main Question, as amended, put, and agreed to; List of the Committee, 540

Ewelme Rectory Bill (No. 82)

(*The Lord Chancellor*)

l. Royal Assent June 16 [34 *Vict.* c. 23]

EWING, Mr. H. E. CRUM- *Paisley*

Elections (Parliamentary and Municipal), Comm. *cl.* 3, 1426

Exchequer Bonds (£700,000) Bill

(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Baxter*)

c. Ordered; read 1^o July 11

Read 2^o July 12

Committee^o; Report July 13

Read 3^o July 14

l. Read 1^o (*Marquess of Lansdowne*) July 14

Read 2^o July 17

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EYKYN, Mr. R., *Windsor*

Metropolitan Police—Constable John M'Connell, 1840

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Factories and Workshops Act Amendment Bill [H.L.] (*The Earl of Morley*)

1. Presented; read 1st July 4 (No. 239)
 Bill read 2nd, after short debate July 10, 1874
 Committee July 13 (No. 261)
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 Read 3rd July 17
 c. Read 1st July 18 [Bill 255]

Factory Acts (Brick and Tile Yards) Extension Bill—Formerly

Factory Acts Extension Act (1864) Amendment Bill (*Mr. Mundella, Viscount Sandon, Mr. Thomas Hughes, Mr. Akroyd, Mr. Henry Herbert, Mr. Samuelson*)

c. Read 2nd July 5 [Bill 194]
 Bill withdrawn July 13

FAWCETT, Mr. H., *Brighton*

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Feudal and Burgage Tenure (Scotland) Bill (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)

c. Ordered; read 1st July 14 [Bill 251]

FIELDEN, Mr. J., *Yorkshire, W.R., E. Div.*

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FLOYER, Mr. J., *Dorsetshire*

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Stuttgart, Minister at, Question, Mr. Rylands; Answer, Viscount Enfield July 6, 1216

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c. Ordered * June 14
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Read 3^d * June 21
1. Read 1^a * (*The Earl of Morley*) June 22
Read 2^a * July 18 (No. 199)

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(*The Marquess of Hartington, Mr. Solicitor
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c. Ordered; read 1^o * July 4 [Bill 225]
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Habitual Drunkards Bill

(*Mr. Donald Dalrymple, Mr. Gordon, Mr. Pease, Mr. Downing*)

c. Moved, "That the Bill be now read 2^o" July 12, 1501

After debate, Amendt. to leave out "now," and add "upon this day three months" (*Colonel Barttelot*), 1517; Question proposed, "That 'now,' &c.;" after further debate, Amendt. and Motion withdrawn; Bill withdrawn

[Bill 38]

Select Committee appointed, "to consider the best means of dealing with Habitual Drunkards" (*Mr. Donald Dalrymple*) July 14, 1792

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 c. Read 2^o July 12 [Bill 196]

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 (Mr. Attorney General, Mr. Secretary Bruce, Mr. Solicitor General)

c. Committee^o; Report June 15 [Bill 156]
 Considered^o June 19
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 l. Read 1^o (The Lord Chancellor) June 22 (No. 198)

House of Lords Appellate Jurisdiction Bill [H.L.] (The Lord Westbury)
 l. Bill read 2^a, after debate June 19, 208 (No. 147)

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 (Mr. Shaw Lefevre, Mr. Secretary Bruce)
 c. Report^o June 23 [Bills 32-212]
 Bill withdrawn^o July 17

INDIA

Bengal Presidency—Petition of Zemindars, &c.
—*The Land Settlement*, Moved, "That the said Petition be printed" (*The Lord Lyveden*) June 27, 642; after debate, Motion withdrawn
College of Civil Engineers, Cooper's Hill, Questions, Mr. Fawcett; Answers, Mr. Grant Duff July 3, 1000
East India Administration [*Mr. Fawcett's Motion* June 13], Personal Explanation, Mr. Grant Duff; Reply, Mr. Fawcett June 15, 72
East India (Nawab Nazim), Moved, "That a Select Committee be appointed to inquire into all Treaties and Agreements entered into between the East India Company, or any person on their behalf, with the Nawab Nazim of Bengal, Behar, and Orissa, or his predecessors, and to ascertain whether such Treaties and Agreements have been faithfully observed by the said Company and by the Indian Government, and to what claims, if any, the present Nawab Nazim and his family may be entitled under and by virtue of such Treaties and Agreements" (*Mr. Haviland-Burke*) July 4, 1139; after debate, Question put; A. 64, N. 122; M. 68

India (Local Legislatures) Bill

(*The Duke of Argyll*)

l. Read 3^d * June 19 (No. 150)
Royal Assent June 29 [34 & 35 Vict. c. 34]

Industrial and Provident Societies

Amendment Bill (*Mr. Thomas Hughes, Mr. Morrison, Sir Charles Adderley, Mr. Thomas Brassey, Mr. William Henry Smith*)

c. Read 2^d * June 30 [Bill 188]
Committee *—a.p. July 6
Committee *; Report July 12 [Bill 240]

Infant Life Protection Bill

(*Mr. Charley, Dr. Brewer, Dr. Lyon Playfair*)

c. Bill withdrawn * July 19 [Bill 49]

Inland Revenue, Receiver General of

Question, Sir Charles W. Dilke; Answer, Mr. Gladstone June 26, 558

Intoxicating Liquors Licences Suspension Bill

(*Mr. Secretary Bruce, Mr. Winterbotham*)

c. Ordered; read 1st * July 10 [Bill 234]
Read 2^d * July 17

Intoxicating Liquors (New Licences) Bill

(*Sir Robert Anstruther, Sir Harcourt Johnstone, Mr. Morrison, Mr. Thomas Hughes, Mr. Wentworth Beaumont, Mr. Samuelson, Mr. Mundella, Mr. Pease*)

c. Read 2^d * June 15 [Bill 157]
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Irish Business, Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington July 13, 1632
Magistrates of Dungannon, Question, Lord Claud Hamilton; Answer, The Marquess of Hartington July 6, 1218
Mallow, Robbery of Militia Arms at, Question, Colonel Stuart Knox; Answer, The Marquess of Hartington June 19, 224
Meath and Westmeath Elections—Stipendiary Magistrates, Observations, Question, Lord Dunsany; Reply, Lord Dufferin; short debate thereon July 10, 1316
Mountjoy Government Prison, Question, Mr. Callan; Answer, The Marquess of Hartington June 16, 138
National School Teachers—Labourers' Houses, Questions, Sir Frederick W. Heygate; Answers, The Marquess of Hartington June 26, 556
Party Tunes, Question, Mr. Wingfield Verner; Answer, The Marquess of Hartington July 10, 1339
Representation of Ireland, Observations, Sir Colman O'Loughlen; Reply, The Marquess of Hartington June 16, 195
Royal Military School, Dublin—Rev. J. Leonard, Question, Sir John Gray; Answer, The Marquess of Hartington July 17, 1885
Royal Residence in Ireland, Question, Mr. Stacpoole; Answer, Mr. Gladstone July 10, 1341

Ireland—Four Courts Marshalsea Prison (Dublin)—Imprisonment for Debt

Motion for, "Return of the cost of maintaining the Four Courts Marshalsea Prison in Dublin, specifying the salaries of each official, the cost of allowances to pauper debtors, and all other expenses, and stating from what funds such expenditure is defrayed" (*The Marquess of Clanricarde*) June 16, 135; Motion agreed to

Ireland—Railways

Amendt. on Committee of Supply July 14, To leave out from "That," and add "there be laid before this House, a Copy of the Memorial, signed by seventy-eight Peers and ninety Irish Members of Parliament in 1869, in favour of the recommendations of the Commissioners appointed to inquire into the condition of the Irish Railways in 1868, together with Copy of the Memorials and Resolutions praying for the reform of the Irish Railway system adopted at public meetings throughout Ireland, presented to the present Government since their accession to office" (*Mr. W. O. Gore*), 1768; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

[cont.]

IRELAND—Railways—cont.

Motion for, Return of the various corporations, boards, and other public bodies in Ireland, including meetings of counties and towns convened by lawful authority, which have expressed to the Irish Government or to the Treasury their desire for an alteration of the present system of management of the Railways of that country since the first of January 1866 :

Also, Copy of a Memorial on the same subject, signed by many Peers and Members of the House of Commons, and presented to the Treasury (*The Marquess of Clanricarde*) July 7, 1886; after short debate, Motion negatived

Irish Church Act (1869) Amendment Bill

(*Mr. Heron, Mr. Bagwell*)

c. Ordered; read 1^o July 12 [Bill 244]

Italy—Florence, Protestant Cemetery at

Question, *Mr. Kinnaird*; Answer, Viscount Enfield July 13, 1831

JACKSON, Mr. R. Ward, Hartlepool

Elections (Parliamentary and Municipal), Comm. 1250

JAMES, Mr. H., Taunton

Elections (Parliamentary and Municipal), Comm. Motion for Adjournment, 490, 501; cl. 2, 1299, 1310, 1361; Amendt. 1364; cl. 3, 1424, 1913; Amendt. 1944, 1946; Amendt. 1950

Registration of Voters (No. 2), Comm. cl. 7, 1956; cl. 16, 1959

JENKINSON, Sir G. S., Wiltshire, N.

Elections (Parliamentary and Municipal), Comm. cl. 2, 1308

Euphrates Valley Railway, Motion for a Committee, 525, 540

JERVIS, Colonel H. J. W., Harwich

Elections (Parliamentary and Municipal), Comm. 1255; cl. 3, 1764

JESSEL, Mr. G., Dover

Legal Education, Res. Motion for Adjournment, 1500
Medical Act Amendment, 2R. 35

JOHNSTON, Mr. A., Essex, S.

Charities, &c. Exemption, 2R. 347
Supply—Repair of Public Buildings, 521

Judge Advocate General, Office of

Question, Lord Eustace Cecil; Answer, Mr. Gladstone July 13, 1822

Judicial Committee of Privy Council

Bill [H.L.] (*The Lord Chancellor*)

l. Presented; read 1^o June 26 (No. 212)

Bill read 2^o, after short debate June 29, 724

Committee July 3

Report July 4, 1090

(No. 233)

Read 3^o July 6, 1203

(No. 246)

c. Read 1^o July 14

[Bill 250]

Juries Ireland Bill [H.L.]

(*The Lord O'Hagan*)

l. Committee June 29 (Nos. 113-221)

Report July 3

Read 3^o July 4

c. Read 1^o July 7 [Bill 231]

Read 2^o July 17

Justices of the Peace Qualification Bill

[H.L.] (*The Earl of Albemarle*)

l. Presented; read 1^o June 16; (No. 189)

Bill withdrawn, after short debate July 4, 1080

KAVANAGH, Mr. A. M., Carlow Co.

Elections (Parliamentary and Municipal), Comm. cl. 3, Amendt. 1906

Ireland—Railways, Motion for a Paper, 1777

KENNAWAY, Mr. J. H., Devonshire, E.

Elections (Parliamentary and Municipal), Comm. cl. 3, Amendt. 1744, 1764

KIMBERLEY, Earl of (Secretary of State for the Colonies)

Locomotives, 2R. 290

Prevention of Crime, 2R. 1088, 1089

KING, Hon. P. J. Locke, Surrey, E.

Prayer Book (Tables of Lessons), Comm. 103; Schedule, Amendt. 118

Kingsholm District Boundary Bill

(*Mr. Winterbotham, Mr. Secretary Bruce*)

c. Read 2^o June 15 [Bill 185]

Committee; Report June 19

Considered June 22

Read 3^o June 26

l. Read 1^o (*The Earl of Morley*) June 27

Read 2^o July 11 (No. 215)

Committee; Report July 13

Read 3^o July 14

Royal Assent July 24 [34 & 35 Vict. c. 54]

KINNAIRD, Hon. A. F., Perth

African Slave Trade, Motion for an Address, 954

Euphrates Valley Railway, Motion for a Committee, 536

Italy—Protestant Cemetery at Florence, 1631

Locomotives, 2R. 290

Navy—Admiralty Administration, Res. 1481

Prayer Book (Tables of Lessons), Comm. cl. 2, 118

Supply—Household of the Lord Lieutenant, Ireland, 165

KNATCHBULL-HUGESSEN, Mr. E. H. (Under Secretary of State for the Colonies), Sandwich

China—Coolie Emigration, 221

Gibraltar—Aliens, 1633

Revenues, &c. 183

South African Diamond Fields, 1632

KNIGHT, Mr. F. W., Worcestershire, W.

Elections (Parliamentary and Municipal), Comm. Motion for Adjournment, 858

KNIGHTLEY, Sir R., Northamptonshire, S.
Elections (Parliamentary and Municipal),
Comm. *cl.* 2, 1808

KNOX, Hon. Colonel W. Stuart, Dun-
gannon
Army—Promotion and Retirement, 69
Army Regulation, Comm. *cl.* 7, 74, 90; *cl.* 10,
97; *add. cl.* 250; 3R. 1047
Elections (Parliamentary and Municipal),
Comm. *cl.* 3, 1426, 1914
Ireland—Robbery of Militia Arms at Mallow,
224
Parliament—Public Business, 1895

Land Drainage Supplemental Bill
(*The Earl of Morley*)

1. Read 2^a * June 20 (No. 175)
Committee *; Report June 22
Read 3^a * June 27
Royal Assent June 29 [34 & 35 Vict. c. 60]

Landed Property (Ireland) Act (1847)
Amendment Bill (*Mr. Serjeant Sherlock,*
Mr. M'Mahon, Mr. Maguire)

c. Bill withdrawn * July 10 [Bill 59]

Landlord and Tenant (Ireland) Act, 1870,
Amendment Bill

(*The Lord Cairns*)

1. Presented; read 1^a, after short debate June 15,
48 (No. 185)
Bill read 2^a, after short debate June 16, 136
Committee *; Report June 19 (No. 193)
Moved, "That the Bill be now read 3^a."
June 20, 298; after short debate, further
debate adjourned
Debate resumed June 23, 490; after short de-
bate, on Question? "That the Bill be
read 3^a;" resolved in the affirmative; Bill
read 3^a
Proviso moved, "Nothing in this Act contained
shall be deemed to affect the rights of tenants
on estates conveyed prior to the passing of the
Landlord and Tenant (Ireland) Act, 1870,
under the provisions of the Acts twelfth and
thirteenth Victoria, chapter seventy-seven,
and twenty-first and twenty-second Victoria,
chapter seventy-two" (*Lord Greville*); after
short debate, Amendt. withdrawn; Bill
passed
c. Read 1^o * June 26 [Bill 215]
Read 2^o * June 30

Landrights and Deeds (Scotland) Bill
(*Mr. Gordon, Mr. Charles Dalrymple*)

c. Read 2^o * June 14 [Bill 84]
Committee *; Report July 11 [Bill 233]

LAUDERDALE, Earl of
Navy—Admiralty Administration, 965
"Captain," Loss of the, 122, 134
United States—Treaty of Washington, Motion
for an Address, 737

LAWRENCE, Lord
Army Regulation, 2R. 1740
Metropolis—Emanuel Hospital, Motion for an
Address, 884

LAWRENCE, Alderman Sir J. O., Lam-
beth
Army Regulation, Consid. *add. cl.* 929
China—Coolie Emigration, 220, 222
Sale of Liquor on Sunday, 2R. 385

LAWRENCE, Mr. Alderman W., London
Criminal Law Amendment, Lords Amendts.
286
New Forest, Res. 335
New Mint Building Site, Comm. 1677
Supply—Royal Parks, 511

LAWSON, Sir W., Carlisle
Habitual Drunkards, 2R. 1510
Licensing, 192

LEA, Mr. T., Kidderminster
Army—Jobson Fuse, The, 1879
Elections (Parliamentary and Municipal),
Comm. *cl.* 3, 1915

LEATHAM, Mr. E. A., Huddersfield
Elections (Parliamentary and Municipal),
Comm. 452; *cl.* 3, Amendt. 1672, 1674;
Amendt. 1908, 1909

LEEMAN, Mr. G., York
Army Regulation, Comm. *cl.* 27, Amendt. 99
Private Bill Legislation, Motion for a Com-
mittee, 693
Railway Companies, 2R. 609
Registration of Deeds, &c. (Middlesex), Comm.
697

Legal Education

Moved, "That, in the opinion of this House,
it is desirable that a General School of Law
should be established in the Metropolis, in
the government of which the different branches
of the legal profession in England may be
suitably represented; and that, after the
establishment thereof, no person should be
admitted to practise in any branch of the
legal profession, either at or below the Bar,
or as an attorney or solicitor in England,
without a certificate of proficiency in the
study of Law, granted after proper examina-
tions by such General School of Law" (*Sir*
Roundell Palmer) July 11, 1482; after de-
bate, Debate adjourned

LEITRIM, Earl of
Ireland—Meath and Westmeath Elections,
1320

LENNOX, Lord H. G. C. G., Chichester
Parliament—Public Business, 1901

LEWIS, Mr. Harvey, Marylebone
Licensing, 190

LEWIS, Mr. J. D., *Devonport*
Navy—Iron-clad Vessels, 997

LIDDELL, Hon. H. G., *Northumberland, S.*
Army—Royal Artillery, Res. 553
Charities, &c. Exemption, 2R. 345
Elections (Parliamentary and Municipal),
Comm. 607; cl. 2, 1276, 1295, 1306, 1376;
cl. 3, 1393, 1646, 1754
Parliament—Public Business, 1892
Prayer Book (Tables of Lessons), Comm. 114
Supply—Harbours, 681

Life Assurance Companies Act (1870)
Amendment Bill

(*Mr. Chichester Fortescue, Mr. Arthur Peel*)
c. Read 2^o * June 15 [Bill 183]
Committee *; Report June 16
Read 3^o * June 19
l. Read 1^o * (*The Earl Cowper*) June 20
Read 2^o * June 29 (No. 195)
Committee * July 6 (No. 243)
Report * July 10
Read 3^o * July 11
Royal Assent July 24 [34 & 35 Vict. c. 58]

LINDSAY, Hon. Colonel C. H., *Abingdon*
Army—Re-organization of the, 69
Army Regulation, Consid. 927, 930, 934

LINDSAY, Colonel R. J. Loyd, *Berkshire*
Army Regulation, Comm. cl. 7, 87; Consid.
936

Local and Personal Acts (Ireland) Bill
(*Mr. Heron, Mr. Pim, Mr. Bagwell*)

c. Moved, "That the Bill be now read 2^o"
July 12, 1539; after short debate, Moved,
"That the Debate be now adjourned" (*Mr.*
Bouverie); Debate adjourned [Bill 26]

Local Government Board Bill
(*Mr. Stansfeld, Mr. Secretary Bruce, Mr.*
William Edward Forster)

c. Ordered; read 1^o * July 6 [Bill 230]

Local Government (Ireland) Bill
(*The Marquess of Hartington, Mr. Solicitor*
General for Ireland)

c. Read 2^o * July 3 [Bill 165]

Local Government Supplemental (No. 2)
Bill (*The Earl of Morley*)

l. Read 3^o * June 19 (No. 149)
Royal Assent June 29 [34 & 35 Vict. c. 59]

Local Government Supplemental (No. 3)
Bill (*Mr. Winterbotham, Mr. Secretary Bruce*)

c. Report of Select Committee June 23
Re-comm. * June 26 [Bills 178-211]
Read 3^o * June 29

l. Read 1^o * (*The Earl of Morley*) June 30
(No. 226)

Local Government Supplemental (No. 4)
Bill (*Mr. Winterbotham, Mr. Secretary Bruce*)

c. Read 2^o * June 15 [Bill 187]
Committee *; Report June 19
Referred to Select Committee * June 22
Report * June 29
Re-comm. * July 3
Read 3^o * July 6
l. Read 1^o * (*The Earl of Morley*) July 6
Read 2^o * July 18 (No. 247)

LOCH, Mr. G., *Wick, &c.*
Supply—Fishery Board (Scotland), 156

LOCKE, Mr. J., *Southwark*
Elections (Parliamentary and Municipal),
Comm. cl. 3, 1380
Licensing, 193
New Mint Building Site, Comm. 1675
Sale of Liquor on Sunday, 2R. 380
Tramways Provisional Orders Confirmation,
Comm. 640

Locomotives Bill [H.L.]

(*The Lord Dunmore*)

l. Bill read 2^o, and referred to a Select Committee,
after short debate June 20, 289 (No. 130)
And, on June 22, Committee nominated; List
of the Committee, 291
Report of Select Committee July 13 (No. 256)
Bill withdrawn * July 18

Lodgers' Goods Protection Bill

(*Mr. H. B. Sheridan, Mr. Holms, Mr. Brogden,*
Mr. W. M. Torrens)

c. Report of Select Committee July 18
[Bills 54-254]

LONDON, Bishop of
Children's Employment Commission—Brick-
fields, &c., Motion for an Address, 1408
Union of Benefices, 2R. 50

LONGFORD, Earl of
Army Regulation, 2R. 1799

LOPES, Sir M., *Devonshire, S.*
Army Regulation, Comm. add. cl. 275; 3R.
1038

Lottery Acts

Amendt. on Committee of Supply June 16,
To leave out from "That," and add "the
provisions of the Lottery Acts ought to be
impartially enforced by Her Majesty's Go-
vernment against illegal Lotteries, irrespec-
tive of their objects, in all parts of the United
Kingdom" (*Mr. Charley*), 171; after debate,
Question put, "That the words, &c.;"
A. 60, N. 33; M. 27

LOWE, Right Hon. R. (see CHANCELLOR
of the EXCHEQUER)

LOWTHER, Mr. J., *York City*

Elections (Parliamentary and Municipal),
Comm. Instruction, 402, 1248; *cl.* 2, 1301,
1313, 1356; Amendt. 1362, 1364; Amendt.
1365; *cl.* 3, 1427; Amendt. 1438; Amendt.
1646, 1759, 1905, 1911, 1913; Motion for
reporting Progress, 1918, 1937, 1939, 1945;
Amendt. 1949
Licensing, 193
Parliament—Public Business, 1901

LOWTHER, Mr. W., *Westmoreland*
Metropolis—St. Stephen's Crypt, 1338

LUBBOCK, Sir J., *Maidstone*
Endowed Schools Act Amendment, 2R. 2, 38
Holidays of Government Employés, 1220

LUCAN, Earl of
Army Regulation, 2R. 1801

Lunacy Regulation Amendment Bill
(*The Lord Chancellor*)

l. Bill read 2^a June 16, 136 (No. 171)
Committee *; Report June 19
Bill read 3^a, after short debate June 20, 297
c. Read 1^o June 26 [Bill 214]

Lunatics (Ireland) Bill
(*Sir Dominic Corrigan, Mr. McClure,*
Mr. Plunket)
c. Ordered; read 1^o July 3 [Bill 222]

Lunatics (Scotland) Bill
(*The Earl of Morley*)
l. Report * June 29 (No. 222)
Read 3^a July 3

LURGAN, Lord
Landlord and Tenant (Ireland) Act Amend-
ment, 2R. 137

LUSH, Dr. J. A., *Salisbury*
Medical Act Amendment, 2R. 33, 45
Registration of Voters (No. 2), Comm. *cl.* 16,
1959

LUSK, Mr. Alderman A., *Finsbury*
Prayer Book (Tables of Lessons), Comm. *cl.* 2,
118
Supply—Constabulary Force, Ireland, 327
Criminal Prosecutions, 168
Harbours, 682
Household of the Lord Lieutenant, Ireland,
163
Metropolitan Police, 313

LYTTTELTON, Lord
Endowed Schools, Motion for a Return, 303
Endowed Schools Commission — Morgan's
School, Bridgwater, 496
Justices of the Peace Qualification, 2R. 1082
Metropolis—Emanuel Hospital, Motion for an
Address, 874, 879
Private Chapels, 2R. 1924

LYVEDEN, Lord

Ecclesiastical Titles Act Repeal, Comm. 1400
India—Presidency of Fort William, 642, 648
Navy—Admiralty Administration, 972

McCLURE, Mr. T., *Belfast*
Elections (Parliamentary and Municipal),
Comm. 604

MACFIE, Mr. R. A., *Leith, &c.*
Elections (Parliamentary and Municipal),
Comm. 408
Herring Brand, The, 556
Prayer Book (Tables of Lessons), Comm. Mo-
tion for reporting Progress, 119; Consid.
Amendt. 960
Supply—Buildings of the Houses of Parliament,
671
Fishery Board (Scotland), 159
Inland Revenue Department, 311

McLAGAN, Mr. P., *Linlithgowshire*
Church Rates Abolition (Scotland), 2R. 1175
Habitual Drunkards, 2R. 1524

McLAREN, Mr. D., *Edinburgh*
Church Rates Abolition (Scotland), 2R. 1166,
1185
Criminal Law Amendment, Lords Amendts.
284
Elections (Parliamentary and Municipal),
Comm. *cl.* 3, 1426
Habitual Drunkards, 2R. 1519
Lottery Acts, Res. 179
Supply—Constabulary Force, Ireland, 327
Convict Establishments, 321
Fishery Board (Scotland), 151, 160
General Register House, Edinburgh, 324,
325
Household of the Lord Lieutenant, Ireland,
162
Rates on Government Property, 684
Royal Palaces, 508
Science and Art Department Buildings, 676
Sheriff Court Houses, Scotland, 674

McMAHON, Mr. P., *New Ross*
Elections (Parliamentary and Municipal),
Comm. *cl.* 3, 1909; Amendt. 1910

MAGNIAC, Mr. C., *St. Ives*
Parliament—Public Business, 1900
Registration of Partnerships, 2R. 1192

MAGUIRE, Mr. J. F., *Cork City*
*Elections (Parliamentary and Municipal),
Comm. 630
Habitual Drunkards, 2R. 1512
Supply—Public Education, Ireland, Report,
1923

MAHON, Viscount, *Suffolk, E.*
Army Regulation, Comm. *add. cl.* 245

MALMESBURY, Earl of
France—Declaration of Paris, 1856, 203, 206

MANCHESTER, Duke of
Army Regulation, 2R. 1715

MANNERS, Right Hon. Lord J. J. R.,
Leicestershire, N.
Army Regulation, Comm. cl. 7, 75; *add. cl.*
102, 280
Burials, Comm. cl. 2, 719, 720, 722, 723
Church Rates Abolition (Scotland), 2R. 1174
Elections (Parliamentary and Municipal),
Comm. 408, 1111; *cl.* 2, 1295, 1301, 1363;
cl. 3, 1427, 1432, 1664, 1904, 1909, 1912,
1946; Amendt. 1950
France—Commercial Treaty with, 1290
Metropolis—Constitution Hill, 503
Parliament—Buildings of the Houses of Par-
liament, 663, 671
Public Business, 1902
Supply—Royal Palaces, 503, 505
Royal Parks, 512, 514

Marriage Law (Ireland) Amendment Bill
(*The Lord Dufferin*)
l. Committee*; Report June 15 (No. 135)
Read 3* June 30
Royal Assent July 13 [34 & 35 Vict. c. 49]

MARTIN, Mr. P. Wykeham, Rochester
Elections (Parliamentary and Municipal),
Comm. cl. 3, 1872

Maynooth College Bill
(*The Marquess of Hartington, Mr. Solicitor*
General for Ireland)
c. Ordered; read 1* July 12 [Bill 243]
Read 2* July 17

Medical Act (1858) Amendment Bill
(*Dr. Lush, Mr. Mundella, Dr. Brewer*)
c. Bill withdrawn, after debate June 14, 33
[Bill 72]

Medical Act (1858) Amendment (No. 2)
Bill (*Mr. Brady, Mr. Haviland-Burke,*
Mr. Murphy)
c. Bill withdrawn* June 14 [Bill 73]

MELLOR, Mr. T. W., Ashton-under-Lyne
Registration of Voters (No. 2), Comm. cl. 3,
1954, 1955
Sale of Liquor on Sunday, 2R. 365
Supply—Repair of Public Buildings, 520
War Office Income Tax Commissioners, 71

MELLY, Mr. G., Stoke-upon-Trent
Army Regulation, Consid. 936
Criminal Law Amendment, Lords Amendts.
283
Elections (Parliamentary and Municipal),
Comm. cl. 3, 1422, 1755
Elementary Education Act Amendment, 2R.
1536
Sale of Liquor on Sunday, 2R. 366
Supply—Buildings of the Houses of Parlia-
ment, 666

MELVILLE, Viscount
Army—Recruiting, Motion for an Address,
981, 986, 991
Army Regulation, 2R. 1598, 1712, 1713
War Office—Rewards to Inventors, Address
for Papers, 1330

Merchant Shipping Bill
(*Mr. Chichester Fortescue, Mr. Arthur Peel*)
c. Bill withdrawn* June 19 [Bill 15]

Merchant Shipping Acts Amendment
Bill
(*Mr. Chichester Fortescue, Mr. Arthur Peel*)
c. Resolution agreed to; Bill ordered; read 1*
July 3 [Bill 221]
Read 2* July 10

METROPOLIS
Drinking Trough in Piccadilly, Question,
Mr. Chaplin; Answer, Mr. Ayrton June 15,
67; Question, Captain Archdall; Answer,
Mr. Bruce June 27, 647
Metropolitan Police—Police Constable John
McConnell, Question, Mr. Eykyn; Answer,
Mr. Bruce July 10, 1340
New Street from Tottenham Court Road to
Charing Cross, Question, Mr. Raikes; An-
swer, Sir William Tito June 22, 398
Palace of Westminster—St. Stephen's Crypt,
Questions, Mr. W. Lowther; Answers, Mr.
Ayrton July 10, 1338
St. James's Park, Question, Lord Ernest Bruce;
Answer, Mr. Ayrton July 3, 1001
South Kensington—Natural History Museum,
Question, Mr. Cavendish Bentinck; Answer,
Mr. Ayrton June 16, 71

Metropolis—Royal School of Mines
Address for a letter addressed by Sir Roderick
Murchison to the Privy Council, enclosing a
letter from the officers of the Royal School
of Mines relative to the proposed transference
of that institution to South Kensington (*The*
Marquess of Salisbury) July 11, 1412; after
short debate, Motion withdrawn

Metropolis—Thames Embankment
Select Committee appointed, "to inquire whe-
ther, having regard to the various rights and
interests involved, it is expedient that the
land reclaimed from the Thames, and lying
between Whitehall Gardens and Whitehall
Place should, in whole or in part, be ap-
propriated for the advantage of the inhabitants
of the Metropolis, and, in such case, in what
manner such appropriation should be effected"
(*Mr. Gladstone*) June 16, 196; List of the
Committee, 197

Metropolis—The Houses of Parliament—
Constitution Hill
Amendt. on Committee of Supply June 23,
To leave out from "That," and add "an
humble Address be presented to Her Ma-
jesty, praying that She will be graciously
pleased to direct that carriage traffic may

[cont.]

METROPOLIS—The Houses of Parliament—Constitution Hill—cont.

have free access to the Houses of Parliament by way of Constitution Hill" (*Mr. Haviland-Burke*), 501; after short debate, Question put, "That the words, &c.;" A. 89, N. 61; M. 28

Metropolis Water (No. 2) Bill

(*Mr. Secretary Bruce, Mr. Winterbotham*)

- c. Select Committee nominated; List of the Committee June 14, 45 [Bills 166-257]
Report of Select Committee July 19

Metropolitan Board of Works (Loans) Bill

(*Mr. Baxter, Mr. Chancellor of the Exchequer*)

- c. Committee*; Report June 16 [Bill 140]
Considered* June 19
Read 3^o* June 20
l. Read 1^o* (*The Marquess of Lansdowne*) June 22
Read 2^o* July 4 (No. 201)
Committee*; Report July 6
Read 3^o* July 7
Royal Assent July 13 [34 & 35 Vict. c. 47]

Metropolitan Building Act (1855) Amendment Bill

(*Mr. Alderman Lawrence, Sir David Salomons*)

- e. Ordered; read 1^o* June 15 [Bill 200]
Read 2^o* June 20
Committee*; Report June 21
Read 3^o* June 23
l. Read 1^o* (*The Lord Chelmsford*) June 23
Read 2^o* June 27 (No. 208)
Committee*; Report June 29
Read 3^o* June 30
Royal Assent July 13 [34 & 35 Vict. c. 39]

Metropolitan Commons Supplemental Bill

(*The Earl of Morley*)

- l. Read 3^o* June 19 (No. 103)
Royal Assent June 29 [34 & 35 Vict. c. 57]

Metropolitan Commons Supplemental

(No. 2) Bill (*The Earl of Morley*)

- l. Read 2^o* June 20 (No. 174)
Committee*; Report June 22
Read 3^o* June 27
Royal Assent June 29 [34 & 35 Vict. c. 63]

Metropolitan Tramways Provisional Orders Suspension Bill

(*Mr. Chichester Fortescue, Mr. Arthur Peel*)

- c. Ordered; read 1^o* July 10 [Bill 236]
Read 2^o* July 17

MIDDLETON, Viscount

Children's Employment Commission—Brickfields, &c. Motion for an Address, 1410

MILLER, Mr. J., Edinburgh (City)

Supply—Public Education, Ireland, 1791

MITCHELL, Mr. T. A., Bridport

Elections (Parliamentary and Municipal), Comm. cl. 3, 1665

MONCK, Viscount

Army Regulation, 2R. 1581

MONK, Mr. C. J., Gloucester

Criminal Law Amendment, Lords Amends. 283

Crown Prince and Princess of Germany, Visit of the Imperial, 1623

Elections (Parliamentary and Municipal), Comm. cl. 3, 1937

Prayer Book (Tables of Lessons), Comm. 107; Consid. 958, 960

Registration of Partnerships, 2R. 1187

Supply—Household of the Lord Lieutenant, Ireland, 165

Royal Palaces, 507

MONSELL, Right Hon. W. (Postmaster General), Limerick Co.

Parliament—House of Commons Post Office, 1871

Post Office—Postal Cards, 1934

Remuneration of Postmasters for Telegraph Duty, 1935

Telegraph Department, 903, 1629

Supply—Post Office, 312

MONTAGU, Right Hon. Lord R., Huntingdonshire

Navy—"Agincourt," The, 1096

MONTGOMERY, Sir G. G., Peeblesshire

Church Rates Abolition (Scotland), 2R. 1173, 1183

Scotland—Queen's Plates, 223

Supply—Household of the Lord Lieutenant, Ireland, 162

MORGAN, Mr. G. Osborne, Denbighshire

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Registration of Partnerships, 2R. 1192

MORLEY, Earl of

Burial Grounds, 2R. 292, 295; Comm. cl. 1, 1200

Children's Employment Commission—Brickfields, &c. Motion for an Address, 1409

Factories and Workshops Act Amendment, 2R. 1334, 1335

Locomotives, 2R. 290

Prevention of Crime, 2R. 1082; Comm. cl. 5,

1931, 1932; cl. 11, *ib.*; cl. 12, 1933;

cl. 14, 1933

MORRISON, Mr. W., Plymouth

Elementary Education Act Amendment, 2R. 1533

MOWBRAY, Right Hon. J. R., Oxford University

Burials, Comm. cl. 2, 717, 721

MUNDELLA, Mr. A. J., Sheffield

Army Regulation, 3R. 1037
Criminal Law Amendment, Lords Amendts. 286
Inhabited House Duty, 1633
Parliament—Public Business, 1895
Registration of Partnerships, 2R. 1193
Supply—Buildings of the Houses of Parliament, 669
Public Education, Ireland, 1791

Municipal Corporation Acts Amendment

Bill (*Mr. Dixon, Mr. Mundella, Mr. Stevenson, Mr. Muntz, Mr. Carter*)

c. Read 2^o * July 11 [Bill 193]
Committee *; Report July 17
Considered * July 19

Municipal Corporations Acts (Ireland) Amendment Bill

(*Mr. Serjeant Sherlock, Mr. Bryan*)

c. Ordered * June 20
Read 1^o * June 21 [Bill 210]
Read 2^o * July 5

Municipal Corporations (Borough Funds) Bill

(*Mr. Leeman, Mr. Mundella, Mr. Goldney, Mr. Candlish*)

c. Ordered; read 1^o * June 16 [Bill 203]
Read 2^o *, and referred to a Select Committee June 30
Select Committee nominated; List of the Committee July 6, 1277
Report of Select Committee July 12 [Bill 242]

MUNTZ, Mr. P. H., Birmingham

Army Regulation, 3R. 1033
Charities, &c. Exemption, 2R. 344
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New Mint Building Site, Comm. 1677
Registration of Voters (No. 2), Comm. cl. 3, Amendt. 1954
Supply—Buildings of the Houses of Parliament, 670, 671
Royal Palaces, 504

Murder Law Amendment and Appeal Bill

(*Sir George Jenkinson, Mr. Gilpin, Mr. Goldney*)

c. Bill withdrawn * July 18 [Bill 141]

MURPHY, Mr. N. D., Cork City

Ireland—Railways, Motion for a Paper, 1788
Sale of Liquor on Sunday, 2R. 384
Supply—Household of the Lord Lieutenant, Ireland, 163

NAVY

Chain Cables and Anchors, Question, Mr. Grieve; Answer, Mr. Chichester Fortescue July 11, 1415; Question, Mr. Cawley; Answer, Mr. Goschen July 17, 1880

Dockyards, Superintendents of, Question, Mr. Seely; Answer, Mr. Goschen July 14, 1744

H.M.S. "Agincourt," Questions, Sir James Elphinstone, Sir John Hay; Answers, Mr. Goschen July 3, 1002; Questions, Lord Robert Montagu, Sir John Hay; Answers, Mr. Goschen July 4, 1096

H.M.S. "Captain," Observations, The Earl of Lauderdale; Reply, The Earl of Camperdown; debate thereon June 16, 122

Iron-Clads, Armament of—Captain Scott's Gun-Carriages, Questions, Mr. J. D. Lewis; Answers, Mr. Goschen July 3, 997

Mr. Cunningham's Inventions, Question, Lord Henry Scott; Answer, Mr. Goschen July 13, 1626

Order of the Bath, Question, Lord Richard Grosvenor; Answer, Mr. Goschen July 6, 1217

Navy—Admiralty Administration

Question, The Duke of Somerset; Answer, The Earl of Camperdown; short debate thereon July 3, 963

Moved, "That, in the opinion of this House, it is desirable that the Board of Admiralty be discontinued; and that the offices of Controller and Superintendent of Her Majesty's Dockyards be held by persons who have special knowledge of the duties they have to discharge, and that their tenure of office be not limited to a term of years" (*Mr. Seely*) July 11, 1445; after debate, Question put; A. 30, N. 110; M. 80

NELSON, Earl

Endowed Schools Charity—Morgan's School, Bridgwater, 495
Metropolis—Emanuel Hospital, Motion for an Address, 889

Neutrality Laws—Declaration of Paris, 1856—Seizure of Enemy's Goods on the High Seas

Observations, The Earl of Denbigh; Reply, Earl Cowper; debate thereon June 19, 197

NEVILLE-GRENVILLE, Mr. R., Somersetshire, Mid.

Army Regulation, Comm. cl. 7, 86
Elections (Parliamentary and Municipal), Comm. 1257
Prayer Book (Tables of Lessons), Comm. 115
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Supply—Constabulary Force, Ireland, 326
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NEWDEGATE, Mr. C. N., Warwickshire, N.

Army and Navy Estimates, 1641
Conventual and Monastic Institutions, 196, 224
Elections (Parliamentary and Municipal), Comm. 1184, 1185, 1225, 1258; cl. 2, 1297, 1307, 1357; cl. 3, 1385, 1425, 1905, 1938

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NEWDEGATE, Mr. C. N.—*cont.*

Lottery Acts, Res. 178
Parliament—Knights of Shires, 1349
Order—Notices, 149
Public Business, 1892
Promissory Oaths, Comm. Amendt. 637
Sale of Liquor on Sunday, 2R. 384
Sunday Observance Act, 500

New Forest

Moved, "That, in the opinion of this House, pending legislation on the New Forest, no felling of ornamental timber and no fresh inclosures should be permitted in the New Forest; and that no timber whatever should be cut, except for the purposes of thinning the young plantations, executing necessary repairs in the Forest, and satisfying the fuel rights of the Commoners" (*Mr. Fawcett*)
June 20, 238

Amendt. at the end of the Question, to add "also that Denny Wood should be restored to its former condition as open forest land" (*Sir Charles Dilke*); Question proposed, "That those words be there added;" after debate, Amendt. withdrawn; main Question put, and agreed to

New Mint Building Site Bill [Bill 176]

(*Mr. Ayrton, Mr. Baxter*)

c. Select Committee nominated; List of the Committee June 16, 197

Ordered, That all Petitions presented during the present Session against the Bill be referred to the Committee; and such of the Petitioners as pray to be heard by themselves, their Counsel or agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions (*Mr. Ayrton*)

Report of Select Committee July 4

Re-comm. "—a.p. July 6 [Bill 223]

Committee July 13, 1875

Moved, "That the Chairman do now leave the Chair" (*Mr. Charley*); after short debate, A. 118, N. 95; M. 23 [No Report]

New Peer

June 26—The Marquess of Ripon introduced

Sat First

June 23—The Lord Howard de Walden, after the death of his Father

July 10—The Earl of Aylesford, after the death of his Father

Representative Peer for Ireland
(Writ and Return)

July 11—The Lord Ventry

New Writ Issued

For County Monaghan, v. Charles Powell Leslie, esquire, deceased

New Members Sworn

June 14—Francis Monckton, esquire, *Stafford County (Western Division)*

July 6—Patrick James Smyth, esquire, *Westmeath*

NICOL, Mr. J. C. Dyce, *Kincardineshire*
Supply—Sheriff Court Houses, Scotland, 673

NORTH, Colonel J. S., Oxfordshire

Abyssinia—The Abanas Crown and Chalioe,
Motion for an Address, 939, 940, 943, 951, 952

Army—Cadets at Sandhurst, 743

Royal Warrant for Pay, 1288

Army Regulation, Comm. cl. 7, 76, 88; add. cl. 251

NORTHBROOK, Lord (Under Secretary of State for War)

Army—Recruiting, Motion for an Address, 988, 991, 994

Army Regulation, 2R. 1544, 1572, 1575, 1576, 1703

War Office—Rewards to Inventors, Address for Papers, 1326, 1327

NORTHCOTE, Right Hon. Sir S. H., Devonshire, N.

Abyssinia—The Abanas Crown and Chalioe,
Motion for an Address, 944

East India (Nawab Nazim), Motion for a Committee, 1161

Elections (Parliamentary and Municipal),
Comm. 816, 830, 832; cl. 2, 1308, 1311, 1313; cl. 3, 1661, 1757, 1907, 1908, 1949

NORTHUMBERLAND, Duke of

Army Regulation, 2R. 1807

NORWOOD, Mr. C. M., Kingston-upon-Hull

France—Commercial Treaty with, 1289, 1290
Registration of Partnerships, 2R. 1185, 1193

O'BRIEN, Sir P., King's Co.

Supply—Household of the Lord Lieutenant, Ireland, 163

O'CONOR, Mr. D. M., Sligo Co.

Elections (Parliamentary and Municipal),
Comm. 800

O'HAGAN, Lord (Lord Chancellor, Ireland)

Charitable Donations and Bequests (Ireland),
2R. 1928, 1929

O'LOGHLEN, Right Hon. Sir C. M., Clare Co.

Army Regulation, Consid. Amendt. 930, 935

Ireland—Representation of, 195

Supply—Courts of Law and Justice in Scotland, 322

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Ecclesiastical Titles Act Repeal, 2R. 1833;
Comm. 1401
Ireland—Meath and Westmeath Elections, 1320
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ment, 3R. 298
United States—Treaty of Washington, Motion
for an Address, 729, 732, 741

O'REILLY, Mr. M. W., *Longford Co.*
Army—Claims of Inventors, 1935
Army—Compulsory Service, Res. 1315
Ireland—Railways, Motion for a Paper, 1787

OSBORNE, Mr. R. B., *Waterford City*
Army Regulation, Comm. *add. cl.* 254
Elections (Parliamentary and Municipal),
Comm. 751, 840
Supply—Science and Art Department Build-
ings, 677
Sheriff Court Houses, Sootland, 674
Tichborne v. Lushington, Case of, 995

Owens College Bill [H.L.]
(*The Lord President*)
l. Presented; read 1st June 26 (No. 211)
Read 2nd July 4
Committee July 6
Report July 7 (No. 244)
Read 3rd July 10
c. Read 1st July 13 [Bill 246]
Read 2nd July 14
Committee; Report July 17
Read 3rd July 18
Royal Assent July 24 [34 & 35 Vict. c. clvii.]

OXFORD, Bishop of
Private Chapels, 2R. 1926

Oyster and Mussel Fisheries Supple-
mental (No. 2) Bill
(*The Earl Cowper*)
l. Read 1st June 15 (No. 183)
Read 2nd June 20
Committee; Report July 18

PAKINGTON, Right Hon. Sir J. S.,
Droitwich
Army—Probyn, Colonel. 744
Army—Royal Artillery, Res. 552
Army Regulation, Comm. *cl.* 7, 75, 76, 77;
Amendt. 80, 83; *cl.* 8, 92; *cl.* 28, 99, 100;
add. cl. 272, 273; Consid. 922

PALK, Sir L., *Devonshire, S.*
Army Regulation, Comm. *cl.* 7, 89; *add. cl.*
281
Elections (Parliamentary and Municipal),
Comm. *cl.* 2, 1307, 1355; *cl.* 3, 1768
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PALMER, Sir R., *Richmond*
Legal Education, Res. 1482
Prayer Book (Tables of Lessons), Comm. Pre-
amble, 119

PALMER, Mr. J. Hinde, *Lincoln City*
Charities, &c. Exemption, 2R. 346

Parish Churches Bill
(*Mr. West, Sir Percy Herbert, Mr. Hughes*)
c. Moved, "That the Bill be now read 2nd"
June 28, 700
Amendt. to leave out "now," and add "upon
this day three months" (*Mr. Causley*); Ques-
tion proposed, "That 'now,' &c.;" after
short debate, Amendt. and Motion withdrawn;
Bill withdrawn [Bill 53]

Parliament

COMMONS—
Irish Business, Question, Sir Frederick W.
Heagate; Answer, The Marquess of Hart-
ington July 13, 1632
*Knights of Shires—Disqualification of "Men
of the Law,"* Questions, Observations, Mr.
Tomline; Reply, Mr. Speaker July 10, 1345
Moved, "That this House do now adjourn"
(*Mr. Tomline*); after short debate, Question
put; A. 13, N. 236; M. 223
Question, Mr. G. B. Gregory; Answer, The
Attorney General July 17, 1875
Palace of Westminster—St. Stephen's Crypt,
Questions, Mr. W. Lowther; Answers, Mr.
Ayrton July 10, 1338
Parliamentary Returns—Cost, Question, Mr.
A. Russell; Answer, Mr. Baxter July 13,
1621
Private Bill Legislation, Moved, "That a Select
Committee be appointed to inquire into the
operation of the present system of legislation
as regards Local and Personal Bills, and to
consider whether means may not be devised
for the improvement of such legislation"
(*Mr. Pim*) June 27, 686; after short debate,
[House counted out]
Public Business, Observations, Mr. Disraeli;
Reply, Mr. Gladstone July 17, 1887
Report of Committee on Public Business,
Moved, "That this House do now adjourn"
(*Mr. Cavendish Bentinck*) June 15, 130;
after short debate, Motion withdrawn
Observations, Mr. Cavendish Bentinck June 16,
141
Representation of Ireland, Observations, Sir
Colman O'Loughlin; Reply, The Marquess of
Hartington June 16, 195
*Rules and Practice of House—Power of the
Clerks at the Table to alter Notices*, Ques-
tion, Mr. Tomline; Answer, Mr. Speaker;
debate thereon July 17, 1880

PATTEN, Right Hon. Colonel J. W.,
Lancashire, N.
Army—Royal Artillery, Res. 554
Elections (Parliamentary and Municipal),
Comm. *cl.* 2, 1366, 1375
Supply—Embassy Houses, Paris and Madrid,
685
Public Education, Ireland, 1790

Pauper Inmates Discharge and Regula-
tion Bill [H.L.] (*The Earl of Kimberley*)
c. Committee—R.F. July 10 [Bill 70]

PEASE, Mr. J. W., *Durham, S.*
Endowed Schools Act Amendment, 2R. Amendt.
11

Pedlars Certificates Bill [H.L.]

(*The Earl of Morley*)

1. Presented; read 1st *July 10* (No. 252)
Read 2nd *July 17*
Committee^{*}; Report *July 18*

PEEL, Right Hon. Sir R., *Tamworth*

Prayer Book (Tables of Lessons), Consid.
Amendt. 957
Supply—Household of the Lord Lieutenant,
Ireland, 164

**PEEL, Mr. A. W. (Secretary to the Board
of Trade), *Warwick Bo.***

Railway Companies, 2R. 698
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PELL, Mr. A., *Leicestershire, S.*

Army—Leicestershire Militia, 139
Burials, Comm. cl. 2, 720
Elections (Parliamentary and Municipal),
Comm. cl. 2, 1274; cl. 3, 1767; Amendt.
1946
New Mint Building Site, Comm. 1677
Parish Churches, 2R. 716

PEMBERTON, Mr. E. L., *Kent, E.*

Parliament—Rules and Practice of House, &c.
1882

Penn, William, The Heirs of

Question, Mr. Anderson; Answer, The Chan-
cellor of the Exchequer *June 22*, 400

Pensions Commutation Acts Bill

(*The Marquess of Lansdowne*)

1. Read 2nd *June 9* (No. 128)
Committee^{*}; Report *June 23*
Read 3rd *June 27*
Royal Assent *June 29* [34 & 35 Vict. c. 36]

PERCY, Earl, *Northumberland, N.*

Army—Adjutants in the Reserve Forces, 397
Army Regulation, Comm. cl. 7, 91; Consid.
add. cl. 926
Supply—Buildings of the Houses of Parlia-
ment, 669

Petroleum Bill [H.L.]

(*The Earl of Morley*)

1. Presented; read 1st *June 16* (No. 189)
Read 2nd *June 20*
Committee^{*} *July 4* (No. 238)
Report^{*} *July 7*

Pharmacy Bill [H.L.] (*The Lord President*)

1. Read 3rd *June 15* (No. 153)
c. Read 1st *June 19* [Bill 206]
Bill withdrawn^{*} *July 17*

Pier and Harbour Orders Confirmation

(No. 1) Bill (*The Earl Cowper*)

1. Committee^{*} *June 15* (No. 127)
Report^{*} *June 19*
Read 3rd *June 20*
Royal Assent *June 29* [34 & 35 Vict. c. 58]

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Pier and Harbour Orders Confirmation

(No. 2) Bill (*The Earl Cowper*)

1. Read 2nd *June 20* (No. 176)
Committee^{*}; Report *June 29*
Read 3rd *July 4*
Royal Assent *July 13* [34 & 35 Vict. c. 97]

Pilotage Bill

(*Mr. Chichester Fortescue, Mr. Arthur Peel*)

- c. Bill withdrawn^{*} *July 17* [Bill 82]

PIM, Mr. J., *Dublin City*

Custom House Clerks, 1877
Private Bill Legislation, Motion for a Com-
mittee, 686

PLATT, Mr. J., *Oldham*

Elections (Parliamentary and Municipal),
Comm. 612

PLAYFAIR, Dr. Lyon, *Edinburgh and St.*

Andrew's Universities

Medical Act Amendment, 2R. 38

**PLUNKET, Hon. D. R., *Dublin Univer-*
*sity***

Elections (Parliamentary and Municipal),
Comm. 477, 839; cl. 3, 1760
Supply—Public Education, Ireland, Report,
1920
University Tests (Dublin), Leave, 1164

Police Courts (Metropolis) Bill

(*The Marquess of Lansdowne*)

1. Read 2nd *June 20* (No. 125)
Committee^{*}; Report *June 22*
Read 3rd *June 26*
Royal Assent *June 29* [34 & 35 Vict. c. 35]

POOR LAW

Poor Law Removal, Question, Mr. G. Bentinck;
Answer, Mr. Stansfeld *July 7*, 1288

**Poor Law Provisional Orders Confirma-
tion Bill** (*The Earl of Morley*)

1. Read 2nd *June 20* (No. 163)
Committee^{*}; Report *June 22*
Read 3rd *June 27*
Royal Assent *June 29* [34 & 35 Vict. c. 61]

**Poor Rate Assessment and Collection
Act (1869) Amendment Bill**

(*Mr. Henderson, Mr. Crawford, Mr. Eustace
Smith, Mr. Bowring*)

- c. Ordered; read 1st *July 12* [Bill 241]

Pope's Jubilee, The

Observations, Mr. Whalley *June 23*, 554;
[House counted out]

PORTMAN, Lord

Burial Grounds, 2R. 293, 295

Postage Bill (*The Marquess of Lansdowne*)

- l. Report * June 15 (No. 179)
 Read 3* * June 16
 Royal Assent June 29 [34 & 35 Vict. c. 30]

POST OFFICE

- Extension of Telegraphs*, Question, Mr. Whatman; Answer, Mr. Monsell July 13, 1929
House of Commons Post Office, Question, Mr. Assheton Cross; Answer, Mr. Monsell July 17, 1871
Postal Cards, Question, Mr. Dickinson; Answer, Mr. Monsell July 18, 1934
Postal Communication with the United States, Question, Sir Thomas Bazley; Answer, Mr. Gladstone July 10, 1344
Remuneration of Postmasters for Telegraph Duty, Question, Lord George Hamilton; Answer, Mr. Monsell June 30, 902; Question, Mr. Grieve; Answer, Mr. Monsell July 18, 1935

POTTER, Mr. E., Carlisle

Registration of Partnerships, 2R. 1191

POTTER, Mr. T. Bayley, Rochdale

Criminal Law Amendment, Lords Amendts. 286
 Elections (Parliamentary and Municipal), Comm. cl. 3, 1907

POWIS, Earl of

Charitable Donations and Bequests (Ireland), 2R. 1928
 Union of Benefices, 2R. Amendt. 49

Prayer Book (Tables of Lessons) (re-committed) Bill [H.L.] (*The Lord Chancellor*)

- c. Committee; Report June 15, 103 [Bill 181]
 Considered; Bill read 3*, after short debate June 30, 957
 l. Commons Amendts. considered July 6, 1201
 Moved, "That their Lordships do agree to the Commons Amendts." (*The Lord Chancellor*); after short debate, Motion agreed to
 Royal Assent July 13 [34 & 35 Vict. c. 37]

Presbyterian Church (Ireland) Bill

(*The Lord Cairns*)

- l. Royal Assent June 16 [35 Vict. c. 24]

Prevention of Crime Bill [H.L.]

(*The Lord Chancellor*)

- l. Presented; read 1* * June 23 (No. 207)
 Bill read 2*, after short debate July 4, 1082
 Committee *; Report July 6
 Re-comm. July 18, 1930 (No. 266)

Primitive Wesleyan Methodist Society of Ireland Regulation Bill

(*The Lord Cairns*)

- c. Read 2* * June 14 [Bill 148]
 Committee *; Report June 21
 Considered * June 30
 Read 3* * July 3
 Royal Assent July 13 [34 & 35 Vict. c. 40]

Private Chapels Bill

(*The Lord Lyttelton*)

- l. Bill read 2*, after short debate July 18, 1924 (No. 96)

Privy Council—The Appellate Jurisdiction

Observations, Lord Westbury; Reply, The Lord Chancellor; debate thereon June 14, 53

Promissory Oaths Bill [H.L.]

(*The Lord Chancellor*)

- c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" June 26, 637
 Amendt. to leave out from "That" and add "the Bill be committed to a Select Committee" (*Mr. Newdegate*); Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn
 Main Question, "That Mr. Speaker, &c." put, and agreed to; Committee; Report [Bill 169]
 Re-comm. *; Committee; Report June 29
 Read 3* * July 3
 l. Royal Assent July 13 [34 & 35 Vict. c. 48]

Protection of Life and Property in certain Parts of Ireland Bill [H.L.]

(*The Earl of Kimberley*)

- l. Royal Assent June 16 [34 & 35 Vict. c. 25]

Public Health (Scotland) Act (1867) Amendment Bill

(*The Earl of Morley*)

- l. Read 2* * June 15 (No. 148)
 Committee *; Report June 19
 Read 3* * June 22
 Royal Assent July 13 [34 & 35 Vict. c. 38]

Public Health (Scotland) Supplemental Bill (*The Lord Advocate, Mr. Secretary Bruce*)

c. Read 2* * June 19 [Bill 189]

- Committee *; Report June 26
 Read 3* * June 29
 l. Read 1* * (*The Earl of Morley*) June 30 (No. 227)
 Read 2* * July 11
 Committee *; Report July 13
 Read 3* * July 14

Public Lands and Commons Bill

(*Sir Charles Dilke, Mr. Taylor, Mr. Morrison*)

- c. Ordered; read 1* * July 17 [Bill 252]

Public Libraries Act (1855) Amendment Bill (*Mr. J. G. Talbot, Mr. George Gregory, Mr. Lyttelton*)

- c. Ordered; read 1* * July 5 [Bill 229]
 Read 2* * July 10
 Committee *; Report July 13
 Considered * July 17
 Read 3* * July 19

Public Libraries (Scotland) Act (1867) Amendment Bill

(*Mr. Armistead, Sir John Ogilvy, Mr. Kinnaid*)

c. Ordered; read 1^o * June 20 [Bill 209]

Read 2^o * June 26

Committee *; Report July 3

Considered * July 4

Read 3^o * July 5

l. Read 1^o * (*The Earl of Airlie*) July 6 (No. 241)

Bill read 2^a, after short debate July 11, 1397

Committee * July 17

Report * July 18

Public Schools Act (1868) Amendment Bill (*Mr. Secretary Bruce, Mr. William Edward Forster*)

c. Ordered; read 1^o * June 18 [Bill 204]

Read 2^o * June 22

Committee *; Report July 6

Read 3^o * July 7

l. Read 1^o * (*The Earl of Morley*) July 10

Read 2^a * July 14 (No. 249)

Committee * July 18 (No. 265)

Queen—Her Majesty the

Civil List Select Committee, 1837-8—Her Majesty's Household, Question, Mr. Dixon; Answer, Mr. Gladstone July 13, 1824

Germany—Visit of the Imperial Crown Prince and Princess, Question, Mr. Monk; Answer, Mr. Gladstone July 13, 1823

Queen, The, and the Pope

Questions, Mr. Whalley, Mr. Newdegate; Answers Mr. Gladstone June 23, 499

RAIKES, Mr. H. C., Chester

Elections (Parliamentary and Municipal), Comm. cl. 3, 1850

Metropolis—Street from Tottenham Court Road to Charing Cross, 398

Registration of Voters (No. 2), Comm. cl. 21, 1861; cl. 28, Amendt. 1862

Supply—Public Education, Ireland, Report, 1923

Railway Companies Bill

(*Sir Henry Selwin-Ibbetson, Mr. Hinde Palmer, Mr. Rowland Winn*)

c. Adjourned debate [15th March] resumed June 28, 698; after short debate, Amendt. and Motion withdrawn; Bill withdrawn

[Bill 5]

Railway Regulation Amendment Bill

(*Mr. Chichester Fortescue, Mr. Arthur Peel*)

c. Read 2^o * June 22 [Bill 195]

Committee *; Report July 3

Considered * July 6

Read 3^o * July 10

l. Read 1^o * (*The Earl Cowper*) July 11

Read 2^a * July 18 (No. 253)

Railways—The Rope System

Question, Mr. Eastwick; Answer, Mr. Chichester Fortescue July 17, 1874

RATHBONE, Mr. W., Liverpool

Army and Navy Estimates, 1636

Endowed Schools Act Amendment, 2R. 33

Registration of Voters (No. 2), Comm. cl. 16, 1958

RAVENSWORTH, Lord

Alderney, Isle of—Fortifications, Motion for a Return, 1284

READ, Mr. Clare S., Norfolk, S.

Elections (Parliamentary and Municipal), Comm. cl. 3, 1943

Registration of Voters (No. 2), Comm. cl. 16, 1960

REDESDALE, Lord (Chairman of Committees)

Burial Grounds, 2R. 295

Charters (Colleges), 3R. 296

India—Presidency of Fort William, 646

Judicial Committee of Privy Council, Report, 1205

REED, Mr. C., Hackney

Charities, &c. Exemption, 2R. 846

Habitual Drunkards, 2R. 1523

Registration of Voters (No. 2), Comm. cl. 7, 1956

Registrars of Deeds for Middlesex

Question, Mr. Cubitt; Answer, The Attorney General July 10, 1336

Registration of Births Bill

(*Dr. Lyon Playfair, Sir Charles Adderley, Mr. Bouverie, Mr. Selater-Booth, Sir George Grey, Mr. Spencer Walpole*)

c. Read 2^o * June 20

Bill withdrawn * June 29

[Bill 180]

Registration of Deeds, Wills, &c. (Middlesex) Bill (*Mr. George Gregory, Mr. Cubitt, Mr. Hinde Palmer, Mr. Goldney*)

c. After debate, Order for Committee discharged; Bill withdrawn June 28, 696 [Bill 36]

Registration of Parliamentary Voters

Bill (*Mr. Henry Robert Brand, Sir Charles*

Dilke, Mr. Andrew Johnston, Mr. Collins,

Mr. Rathbone)

c. After debate, Order for Committee discharged; Bill withdrawn July 19, 1951 [Bill 19]

Registration of Partnerships Bill

(*Mr. Norwood, Mr. Whitwell, Mr. Monk, Mr. Serjeant Simon*)

c. After short debate, Bill read 2^o, and committed for this day two months July 5, 1185 [Bill 86]

Registration of Voters (No. 2) Bill

(*Sir Charles Dilke, Mr. Collins, Mr. Whitbread, Mr. Rathbone*)

c. Committee; Report July 19, 1952 [Bills 22-236]

Representation of the People Acts Amendment Bill

(*Mr. Hardcastle, Mr. Bayley Potter, Mr. Gilpin*)
c. Bill withdrawn * July 19 [Bill 98]

RICHMOND, Duke of

Army Regulation, 646, 1315; 2R. Amendt.
1566, 1575, 1576, 1838
Burial Grounds, 2R. 295
Charitable Donations and Bequests (Ireland),
2R. 1929
Judicial Committee of Privy Council, Report,
1207
Prevention of Crime, Comm. cl. 5, 1931
Union of Benefices, 2R. 52

RIDLEY, Mr. M. W., Northumberland, N.
Elections (Parliamentary and Municipal),
Comm. 428

RIPON, Marquess of (Lord President of the Council)

Army Regulation, 2R. 1616
Metropolis—St. Margaret's Hospital, Motion
for an Address, 902
Mines, Royal School of, 1413
United States—Treaty of Washington, Motion
for an Address, 732

RIPON, Bishop of

Private Chapels, 2R. 1927

ROBERTSON, Mr. D., Berwickshire

Scotland—Queen's Plates, 224
Supply—Fishery Board (Scotland), 161
Household of the Lord Lieutenant, Ireland,
162

Rochester, New Prison near

Question, Mr. Goldsmid; Answer, Mr. Bruce
June 15, 67

RODEN, Mr. W. S., Stoke-on-Trent

Parliament—Public Business, 1894

ROMILLY, Lord

Appellate Jurisdiction of the Privy Council, 65
Ecclesiastical Courts, Comm. 388
Judicial Committee of Privy Council, 2R. 427;
Report, 1094, 1204, 1206

Royal Parks Bill

(*Mr. Ayrton, Mr. Baxter*)

c. Ordered; read 1^o * June 28 [Bill 217]
Read 2^o *, and referred to a Select Committee
July 6
Select Committee nominated; List of the Com-
mittee July 11, 1501
Report of Select Committee July 19 [Bill 258]

ROYSTON, Right Hon. Viscount, Cam-bridgeshire

Army Regulation, 3R. 1030
Elections (Parliamentary and Municipal),
Comm. cl. 3, 1917

RUSSELL, Earl

Army Regulation, 2R. 1679
Ecclesiastical Titles Act Repeal, Comm. 1398

RUSSELL, Colonel Sir W., Norwich

Army Regulation, Comm. cl. 10, Amendt. 94,
95; add. cl. 254, 265, 274

RUSSELL, Mr. A. J. E., Tavistock

Parliamentary Returns, 1621

Russia and Turkey—The Dardanelles

Question, Viscount Stratford de Redcliffe; An-
swer, Earl Granville July 10, 1412

RUTLAND, Duke of

Army Regulation, 2R. 1699

RYLANDS, Mr. P., Warrington

New Mint Building Site, Comm. 1677
Registration of Voters (No. 2), Comm. cl. 7,
1957; cl. 16, 1958
Sale of Liquor on Sunday, 2R. 348, 384
Secret Service Money, 999
Stuttgart, Minister at, 1216
Supply—Acquisition of Lands (New Palace at
Westminster), 524
Constabulary Force, Ireland, 326
Convict Establishments, 317
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Household of the Lord Lieutenant, Ireland,
Amendt. 161
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SACKVILLE, Mr. Sackville G. STOPFORD-, Northamptonshire, N.

Elections (Parliamentary and Municipal),
Comm. cl. 3, 1391
Supply—Acquisition of Lands (New Palace at
Westminster), 522
Household of the Lord Lieutenant, Ireland,
163

ST. AUBYN, Mr. J., Cornwall, W.

Parliament—Public Business, 1902

ST. LAWRENCE, Viscount, Galway Co.

Supply—Fishery Board (Scotland), 160
Household of the Lord Lieutenant, Ireland,
163

Sale of Liquor on Sunday Bill

(*Mr. Rylands, Mr. Candlish, Mr. Birley,*
Mr. Osborne Morgan)

c. Moved, "That the Bill be now read 2^o"
June 21, 348
Amendt. to leave out "now," and add "upon
this day three months" (*Mr. Joshua Fielden*);
after debate, Question put, "That now, &c.;"
A. 147, N. 119; M. 28; main Question put,
and agreed to; Bill read 2^o [Bill 46]
Order for Committee read; Moved, "That Mr.
Speaker do now leave the Chair" June 26,
641

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Sale of Liquor on Sunday Bill—cont.

Amendt. to leave out from "That," and add "this House will, upon this day three months, resolve itself into the said Committee" (*Sir Henry Selwin-Ibbetson*); Question proposed, "That the words, &c.;" Moved, "That the Debate be now adjourned" (*Mr. Monk*); Motion withdrawn
 Question again proposed, "That the words, &c.;" A. 51, N. 69; M. 18; words added; main Question, as amended, put, and agreed to; Bill put off for three months

SALISBURY, Marquess of

Army Regulation, 2R. 1849, 1863, 1866
 Burial Grounds, 2R. 293; Comm. cl. 1, 1200
 Charters (Colleges), 3R. 296
 Ecclesiastical Courts, Comm. 388
 Endowed Schools, Motion for a Return, 301
 Factories and Workshops Act Amendment, 2R. 1335
 India—Presidency of Fort William, 645, 646
 Judicial Committee of Privy Council, 2R. 728; Report, 1207
 Metropolis—Emanuel Hospital, Motion for an Address, 862, 869
 Metropolis—St. Margaret's Hospital, Motion for an Address, 893, 894, 896
 Mines, Royal School of, Motion for an Address, 1412, 1413, 1414
 Private Chapels, 2R. 1926
 Union of Benefices, 2R. 53

Salmon Fisheries Bill

(*Mr. Dodds, Mr. Liddell, Colonel Amcotts, Earl Percy, Colonel Edwardes*)

c. Bill withdrawn * July 18 [Bill 147]

Salmon Fisheries (Ireland) Bill

(*Mr. Heron, Mr. Henry Herbert, Mr. Mitchell Henry*)

c. Bill withdrawn * July 4 [Bill 121]

Salmon Fisheries (Ireland) (No. 2) Bill

(*Mr. Heron, Mr. Henry A. Herbert*)
 c. Ordered; read 1^o * July 4 [Bill 227]

SALOMONS, Alderman Sir D., Greenwich

Registration of Partnerships, 2R. 1193
 Supply—Convict Establishments, 318

SALT, Mr. T., Stafford

Burials, Comm. cl. 2, Amendt. 718, 720
 Elections (Parliamentary and Municipal), Comm. cl. 3, 1760
 Habitual Drunkards, 2R. 1607

SAMUDA, Mr. J. D'A., Tower Hamlets

Cattle, Importation of, 1416
 Navy—Admiralty Administration, Res. 1479

SANDHURST, Lord

Army—Recruiting, Motion for an Address, 981, 986
 Army Regulation, 2R. 1590, 1598, 1599, 1734
 Navy—Admiralty Administration, 973, 976

SANDON, Viscount, Liverpool

Elections (Parliamentary and Municipal), Comm. cl. 2, 1361; cl. 3, 1394

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SANDON, Viscount—cont.

Elementary Education Act Amendment, 2R. 1537
 Prayer Book (Tables of Lessons), Comm. 110
 Sale of Liquor on Sunday, 2R. 371

SANDWICH, Earl of

Army Regulation, 2R. 1812

SARTORIS, Mr. E. J., Carmarthenshire

Education—National Schools—Building Grants, 742

Sasines Register (Scotland) Bill

(*The Lord Advocate, Mr. Adam*)

c. Ordered * June 14
 Read 1^o * June 15 [Bill 199]
 Read 2^o * June 19
 Committee *; Report June 20
 Read 3^o * June 21
 l. Read 1^o * (*The Earl of Morley*) June 22 (No. 200)

SCLATER-BOOTH, Mr. G., Hampshire, N.

Abyssinia—The Abanas Crown and Chalice, Motion for an Address, 951
 Burials, Comm. cl. 2, 719
 Charities, &c. Exemption, 346
 Elections (Parliamentary and Municipal), Comm. cl. 2, 1313; cl. 3, 1937
 Ireland—Railways, Motion for a Paper, 1788
 New Forest, Res. 342
 New Mint Building Site, Comm. 1676
 Parliament—Public Business, 1895
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 Convict Establishments, 315
 Criminal Prosecutions, 168
 Household of the Lord Lieutenant, Ireland, 164
 Inland Revenue Department, 311
 Public Education, Ireland, 1790
 Rates on Government Property, 684
 Royal Parks, 511
 Science and Art Department Buildings, 677
 Tramways Provisional Orders Confirmation, Comm. 640

SCOTLAND

Herring Brand in Scotland, Question, Mr. Ellice; Answer, Mr. Gladstone June 22, 395
 —*Government of the Netherlands*, Question, Mr. Macle; Answer, Viscount Enfield June 26, 556
Queen's Plates, Question, Sir Graham Montgomery; Answer, Mr. Gladstone; Notice of Motion (*Mr. Robertson*) June 19, 223

SCOTT, Lord H. J. M. D., Hampshire, S.

Burials, Comm. cl. 2, 721
 Navy—Cunningham's, Mr., Inventions, 1626
 New Forest, Res. 337, 338

SCOURFIELD, Mr. J. H., Pembrokeshire, S.

Elections (Parliamentary and Municipal), Comm. 1242; cl. 3, 1422, 1432, 1655

Sea Coast Fisheries (Ireland) Bill

(*Mr. Downing, The Marquess of Hamilton, Viscount St. Lawrence, Colonel Vandeleur*)

c. Ordered; read 1^o * June 26 [Bill 216]

Secret Service Money

Question, Mr. Rylands; Answer, Viscount Enfield July 3, 999

SEELY, Mr. C., *Lincoln City*

Army Regulation, 3R. 1011
Navy—Dockyards, Superintendents of, 1744
Navy—Admiralty Administration, Res. 1445, 1470, 1482

SELWIN-IBBETSON, Sir H. J., *Essex, W.*

Burials, Comm. cl. 2, 719, 721; Motion for reporting Progress, 722
Elections (Parliamentary and Municipal), Comm. cl. 2, 1364; cl. 3, 1659, 1673, 1910; Amendt. 1911, 1915, 1917, 1939, 1942, 1947
Epping Forest Enclosures, 1223; —Disturbances at, 1343
Habitual Drunkards, 2R. 1520
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Supply—Royal Parks, 512

Sequestration Bill [H.L.]

(*The Lord Bishop of Winchester*)

c. Report * June 20 [Bills 159-208]
Re-comm. * June 21—R.F.
Re-comm. *; Report June 26
Read 3^o * June 28
l. Royal Assent July 13 [34 & 35 Vict. c. 45]

Sequestration of Benefices Bill

(*Mr. Russell Gurney, Mr. Bouverie, Sir John Pakington*)

c. Report * June 20 [Bills 80-302]

Sewage Utilisation Supplemental Bill

(*Mr. Winterbotham, Mr. Secretary Bruce*)

c. Read 2^o * June 15 [Bill 186]
Committee *; Report June 19
Referred to Select Committee * June 22
Report of Select Committee June 29 [Bill 218]
Re-comm. *; Report July 6
Read 3^o * July 10
l. Read 1^a * (*The Earl of Morley*) July 11 (No. 254)

SEYMOUR, Mr. A., *Salisbury*

Tichborne v. Lushington, Case of, 1224

SHAFTESBURY, Earl of

Children's Employment Commission — Brickfields, &c., Motion for an Address, 1401
Ecclesiastical Courts, Comm. 386, 387, 394
Prevention of Crime, Comm. cl. 14, 1933

SHERLOCK, Mr. Serjeant D., *King's Co.*

Conventual and Monastic Institutions, 196
East India (Nawab Nazim), Motion for a Committee, 1160
Elections (Parliamentary and Municipal), Comm. cl. 2, 1291
Prayer Book (Tables of Lessons), Comm. 107
Private Bill Legislation, Motion for a Committee, 694

SINCLAIR, Sir J. G. T., *Caithness-shire*
Supply—Post Office, 312

Slave Trade—African Slave Trade

Amendt. on Committee of Supply June 30, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue instructions for the negotiation of such a Treaty with the Sultan of Zanzibar, as will relieve Her Majesty's Government from existing arrangements, by which they are made parties to the Slave Trade; and that She will use all lawful means to procure the entire suppression of the Slave Traffic and all export of Slaves from the East Coast of Africa" (*Mr. Gilpin*), 952; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn
And, on July 6, Select Committee appointed, "to inquire into the whole question of the Slave Trade on the East Coast of Africa, into the increased and increasing amount of that traffic, the particulars of existing Treaties and Agreements with the Sultan of Zanzibar upon the subject, and the possibility of putting an end entirely to the traffic in slaves by sea" (*Mr. Gilpin*); list of the Committee, 957

Small Debts, &c. (Ireland) Bill

(*Mr. Solicitor General for Ireland, The Marquess of Hartington*)

c. Ordered; read 1^o * July 17 [Bill 253]

SMITH, Mr. T. E., *Tynemouth, &c.*

Habitual Drunkards, 2R. 1518

SMITH, Mr. W. H., *Westminster*

Army Regulation, 3R. 1051
Elections (Parliamentary and Municipal), Comm. cl. 2, 1358, 1376; cl. 3, 1674, 1916, 1946
Registration of Voters (No. 2), Comm. cl. 4, 1955
Supply—Buildings of the Houses of Parliament, 670
Science and Art Department Buildings, 676
Tramways Provisional Orders Confirmation, Comm. 640

SMYTH, Mr. P. J., *Westmeath*

Local and Personal Acts (Ireland), 2R. 1539, 1541, 1542

SOMERSET, Duke of

Alderney, Isle of—Fortifications, Motion for a Return, 1282
Army Regulation, 2R. 1610
Burial Grounds, 2R. 295
Navy—Admiralty Administration, 963
"Captain," Loss of the, 133
War Office—Rewards to Inventors, Address for Papers, 1329

SPEAKER, The (Right Hon. J. E. DENISON) *Nottinghamshire, N.*

Army Regulation, Consid. 905
Army and Navy Estimates, 1636, 1640
Criminal Law Amendment, Lords Amendts. 283

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1542, 1543
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1350, 1351
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1881, 1883, 1884

STACPOOLE, Mr. W., Ennis
Army Regulation, Consid. 929
Ireland—Royal Residence, 1341, 1342

STANHOPE, Earl
Ecclesiastical Titles Act Repeal, Comm. 1400
Mines, Royal School of, 1413
Prayer Book (Tables of Lessons), Commons
Amendts. 1201
Tichborne v. Lushington, Case of, 963

STANLEY OF ALDERLEY, Lord
Army Regulation, 2R. 1705

STANLEY, Hon. Captain F. A., Lancashire, N.
Army—Campaign Manœuvres, 1622
Army Regulation, Comm. *add. cl.* 275

STANLEY, Hon. W. O., Beaumaris
Army Regulation, Comm. *add. cl.* 109

STANSFELD, Right Hon. J. (Chief Commissioner of the Poor Law Board), Halifax
Elections (Parliamentary and Municipal),
Comm. 469
Poor Law Removal, 1288
Vaccination Contracts, 1875

STAPLETON, Mr. J., Berwick-on-Tweed
Army—Discharge of Bad Characters, 1337
Army Regulation, Comm. *add. cl.* 101, 102
Elections (Parliamentary and Municipal),
Comm. 1104
Registration of Voters (No. 2), Comm. *cl.* 7,
1956

Statute Law Revision Bill [H.L.]
(The Lord Chancellor)

1. Presented; read 1st July 6 (No. 242)
Read 2nd July 18, 1929

Statutes, The Revised

Question, Mr. Tomline; Answer, Mr. Gladstone
June 26, 559

STORKS, Right Hon. Major General Sir H. (Surveyor General of Ordnance), Ripon
Army—Questions, &c.
Campaign Manœuvres, 1415
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Jobson Fuse, The, 1880
Review at Bushey Park, 1217, 1627, 1628,
1629
Army—Royal Artillery, Res. 549
Army Regulation, Comm. *add. cl.* 246; 3R.
1028

STRAIGHT, Mr. D., Shrewsbury
Sale of Liquor on Sunday, 2R. 385

STRATFORD DE REDCLIFFE, Viscount
Army Regulation, 2R. 1814
Russia and Turkey—Dardanelles, The, 1412

STRATHNAIRN, Lord
Army—Recruiting, Motion for an Address,
976, 994
Army Regulation, 2R. 1831

Sunday Observation Act Amendment Bill—Afterwards

Sunday Observance Prosecutions Bill
(Mr. Secretary Bruce, Mr. Winterbotham)

c. Question, Mr. Mitchell Henry; Answer, Mr.
Bruce June 23, 498; Observations, Mr.
Brady, Mr. Speaker, 500; Question, Mr.
P. A. Taylor; Answer, Mr. Bruce July 6,
1221
Ordered; read 1st July 10 [Bill 235]
Read 2nd, after short debate July 17, 1923

Sunday Trading—The Act 29 Charles II., c. 7

Questions, Mr. P. A. Taylor, Mr. Baines, Mr.
Dimsdale; Answers, Mr. Bruce June 19, 219

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Considered in Committee June 16, 149—CIVIL
SERVICE ESTIMATES—Resolutions reported
June 19

Considered in Committee June 20, 310—POST
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GRAPH SERVICE—REVENUE DEPARTMENTS
(CUSTOMS)—INLAND REVENUE DEPARTMENT—
CIVIL SERVICE ESTIMATES—Resolutions re-
ported; and, after short debate, agreed to
June 21, 385

Considered in Committee June 23, 503—CIVIL
SERVICE ESTIMATES—Resolutions reported
June 26

Considered in Committee June 27, 648—CIVIL
SERVICE ESTIMATES—Resolutions reported
June 30

Considered in Committee July 14, 1788—MIS-
CELLANEOUS ESTIMATES—Resolution reported,
and agreed to July 17, 1918

SYKES, Colonel W. H., Aberdeen City
Army Recruiting, 1871

Army Regulation, Comm. *cl.* 7, 87; *add. cl.*
262, 281; Consid. 925, 929
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1961

Supply—Buildings of the Houses of Parlia-
ment, 669
Fishery Board (Scotland), 158
Harbours, 681
Metropolitan Police, 314
Post Office, 312
Royal Palaces, 507
Royal Parks, 514
Science and Art Department Buildings, 677
Sheriff Court Houses, Scotland, 674

SYNAN, Mr. E. J., *Limerick Co.*

Elections (Parliamentary and Municipal),
Comm. 410

TALBOT, Hon. Captain R. A. J., *Stafford Bo.*

Elections (Parliamentary and Municipal),
Comm. cl. 3, 1435, 1944

TALBOT, Mr. J. G., *Kent, W.*

Charities, &c. Exemption, 2R. 346
Conventual and Monastic Institutions, 196
Education—Industrial Schools, 558
Elections (Parliamentary and Municipal),
Comm. cl. 2, 1298, 1307
Licensing, 194

Tancred's Charities Bill [H.L.]

(*The Lord Privy Seal*)

- l. Read 2^a June 23 (No. 91)
Committee June 27 (No. 216)
Report June 29
Read 3^a June 30
c. Read 1^o July 11 [Bill 239]

TAYLOR, Mr. P. A., *Leicester*

Army—Royal Artillery—Medals, 903
Sunday Trading, 219, 1221

Tea, Spurious

Question, Mr. G. B. Gregory; Answer, Mr.
Chichester Fortescue July 3, 1000

THYNNE, Lord H. F., *Wiltshire, S.*

Elections (Parliamentary and Municipal),
Comm. cl. 3, 1765

Tichborne v. Lushington

Petition presented (*The Earl of Derby*); short
debate thereon July 3, 961; Question, Mr.
Osborne; Answer, Mr. Bruce July 3, 995;
Question, Mr. A. Seymour; Answer, Mr.
Bruce July 6, 1224

TIPPING, Mr. W., *Stockport*

Elections (Parliamentary and Municipal),
Comm. cl. 3, 1762, 1912

TITE, Sir W., *Bath*

Metropolis—Street from Tottenham Court
Road to Charing Cross, 399

Tithe Rent-Charges (Ireland) Bill

(*Mr. Heron, Sir John Esmonde, Mr. Murphy*)

- c. Moved, "That the Bill be now read 2^o"
July 5, 1194; after short debate, Moved,
"That the Debate be now adjourned" (*Mr.*
Bagwell); Debate adjourned [Bill 132]

TOMLINE, Mr. G., *Great Grimsby*

Parliament—Knights of Shires, 1345, 1346,
1350, 1351
Rules and Practice of House, &c. Motion
for reporting Progress, 1880, 1881,
1882, 1883
Revised Statutes, The, 559

TORRENS, Mr. R. R., *Cambridge Bo.*

Elections (Parliamentary and Municipal),
Comm. 615

TORRENS, Mr. W. M., *Finsbury*

Army Regulation, Comm. cl. 9, 73; add. cl.
225
Army Service Abroad, Motion for an Address,
343
Elections (Parliamentary and Municipal),
Comm. cl. 3, 1672; Amendt. 1947

Trades Unions Bill

(*The Earl of Morley*)

- l. Royal Assent June 29 [34 & 35 Vict. c. 31]

Tramways (Ireland) Bill [H.L.]

(*The Lord Cairns*)

- l. Presented; read 1^a June 22 (No. 203)
Read 2^a July 3
Committee; Report July 6
Read 3^a July 7
c. Read 1^o July 12 [Bill 245]
Read 2^o July 17

Tramways Provisional Orders Confirmation (re-committed) Bill

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

- c. Committee—R.P. June 26, 639 [Bill 197]
Re-comm.; Report July 10
Considered July 13
Read 3^o July 14
l. Read 1^a (*The Earl Cowper*) July 14 (No. 263)

Treasurers of Rates Bill

(*Mr. Donald Dalrymple, Sir William Bagge,*
Mr. Dodds)

- c. Read 2^o June 16 [Bill 120]
Order for Committee read; Moved, "That Mr.
Speaker do now leave the Chair" July 11,
1501 [House counted out]
Debate adjourned July 14

TRELAWNY, Sir J. G. S., *Cornwall, E.*

Burials, Comm. cl. 2, 719
Elections (Parliamentary and Municipal),
Comm. cl. 2, 1267

TREVELYAN, Mr. G. O., *Hawick, &c.*

Army Regulation, 3R. 1019, 1026

TRURO, Lord

Army Regulation, 2R. 1812

Trust Funds (Investments) Bill

(*The Duke of Richmond*)

- l. Royal Assent June 29 [34 & 35 Vict. c. 27]

Turkey—Case of Mr. Joseph Williams

Question, Lord George Hamilton; Answer,
Viscount Enfield July 6, 1220

TURNER, Mr. C., *Lancashire, S.W.*

Criminal Law Amendment, Lords Amendts.
287
Criminal Law—Dexter, Mrs., Case of, 305
Registration of Partnerships, 2R. 1193

Turnpike Acts Continuance, &c. Bill
(*Mr. Winterbotham, Mr. Secretary Bruce*)
c. Ordered; read 1^o July 13 [Bill 247]

Union of Benefices Bill [H.L.]
(*The Lord Bishop of Exeter*)
l. Moved, "That the Bill be now read 2^a"
June 15, 48
Amendt. to leave out ("now") and insert
("this day six months") (*The Earl of*
Powis); after debate; on Question? resolved
in the negative; Bill to be read 2^a this day
six months (No. 155)

Union of Benefices Acts Amendment
Bill [H.L.]
(*The Lord Bishop of Winchester*)
l. Presented; read 1^o June 29 (No. 219)
Read 2^a July 6, 1877
Committee?; Report July 11
Read 3^a July 13

United States
Cotton Claims, Question, Mr. Holt; Answer,
Viscount Enfield June 20, 307
Limit of Time, Questions, Mr. Anderson;
Answers, Viscount Enfield, Mr. Gladstone
June 29, 745; Questions, Lord Cairns; An-
swers, Earl Granville, Earl De Grey and
Ripon June 20, 303
Notice of Motion, Question, Sir Charles Ad-
derley; Answer, Mr. Gladstone June 22, 398
Treaty of Washington, Moved, "That an
humble Address be presented to Her Ma-
jesty conveying the deep regret felt by
this House at Her Majesty's having been
advised to sign a Treaty with the United
States which is unbecoming the honour and
dignity of this country" (*The Lord Oranmore*
and Browne) June 29, 729; after short de-
bate, on Question? resolved in the negative

University Reform
Questions, Lord Edmond Fitzmaurice, Mr.
Spencer Walpole, Mr. Beresford Hope; An-
swers, Mr. Gladstone July 17, 1872

University Tests Bill
(*The Earl of Kimberley*)
l. Royal Assent June 16 [34 Vict. c. 26]

University Tests (Dublin) Bill
(*Mr. Fawcett, Mr. Plunket, Dr. Lyon Playfair,*
Viscount Crichton)
c. Resolved, That this House will immediately
resolve itself into a Committee to consider
the abolition of Tests and the alteration of
the constitution of the Governing Body in
Trinity College and the University, Dublin
(*Mr. Fawcett*) July 4, 1163
Moved, "That Mr. Speaker do now leave the
Chair;" after short debate, Moved, "That the
Debate be now adjourned" (*Mr. Brady*);
Question put; A. 14, N. 102; M. 88; main
Question, "That Mr. Speaker, &c.," put,
and agreed to

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University Tests (Dublin) Bill—cont.
Resolved, That the Chairman be directed to
move the House, that leave be given to
bring in a Bill to abolish Tests and to alter
the constitution of the Governing Body in
Trinity College and the University, Dublin
Resolution reported; Bill ordered; read 1^o *
[Bill 226]

Vaccination
Moved, "That a Select Committee be appointed
to inquire into the present state of the law as
regards Vaccination, with reference to the
causes which operate in preventing the carry-
ing out an efficient system of Vaccination"
(*The Lord Buckhurst*) June 19, 216; after
short debate, Motion withdrawn

Vaccination Act (1867) Amendment Bill
(*Mr. William Edward Forster, Mr. Baxter*)
c. Read 2^o June 22 [Bill 191]

Vaccination Contracts
Question, Mr. Heygate; Answer, Mr. Stansfeld
July 17, 1875

VANCE, Mr. J., Armagh City
Elections (Parliamentary and Municipal),
Comm. cl. 3, 1763, 1915
Ireland—Railways, Motion for a Paper, 1782
Local and Personal Acts (Ireland), 2R. 1542,
1543
Supply—Government Prisons, Ireland, Amendt.
327, 328

VERNER, Mr. E. W., Lisburn
Ireland—Party Tunes, 1339

VERNEY, Sir H., Buckingham
Army—Campaign Manœuvres, 1414
Elections (Parliamentary and Municipal),
Comm. cl. 2, 1307
New Forest, Res. 340

VIVIAN, Lord
Army Regulation, 2R. 1705, 1706

VIVIAN, Hon. Captain J. C. W. (Lord
of the Treasury), Truro
Army—Recruiting, 1872
Royal Artillery—Medals, 903
Royal Warrant for Pay, 1288
Army—Royal Artillery, Res. 553
Army Regulation, Comm. add. cl. 263; Consid.
918

WALKER, Major G. G., Dumfriesshire
Army—Militia Drill, 1337
Army Regulation, Comm. cl. 7, 88; cl. 10, 94;
add. cl. 101, 274

WALPOLE, Right Hon. Spencer H., Cam-
bridge University
Abyssinia—The Abanas Crown and Chalice,
Motion for an Address, 947
Elections (Parliamentary and Municipal),
Comm. cl. 2, 1302, 1311
Parliament—Public Business, 1894

